IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13148 OF 2026

Ashish Life Science Pvt. Ltd. ..Petitioner

Versus

The State of Maharashtra & ors. ...Respondents

Mr. Nilkhil Sakhardande, Senior Advocate, Mr. Mayur Khandeparkar, Ms. Shubhra Swami, Mr. Sagar Shetty, Mr. Ashish Venugopal, Ms. Meghna Vijan, i/b Sagar Shetty, for the Petitioner.

Mr. P P Kakade, Addl. G. P., Mr. P V Nelson Rajan, AGP for Respondents - State.

CORAM : N. J. JAMADAR, J.
DATE : 05th OCTOBER 2026

SAINATH SANJAY BODKHE
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Date: 2026.10.06 17:39:32 +0530

Oral Order :-

1. Heard the learned Counsel for the parties.

2. The challenge in this petition is to an order dated 28th September, 2026 passed by the Food and Drug Administration, Maharashtra State in an appeal under Rule 85(3) of the Drugs and Cosmetics Rules, 1945 ("the Rules, 1945") against an order dated 01st July 2026 passed by the Joint Commissioner (Drugs) and Licensing Authority purportedly in exercise of the power under Rule 85(2) of the Rules, 1945 thereby cancelling the licences w.e.f. 01st October, 2026.

3. The petitioner preferred a statutory appeal before the State Government. As the cancellation of licences was to take effect from 01st October, 2026 and the Appellate Authority had not passed an order on the said appeal, the petitioner moved this Court in WP/12909/2026. By an order dated 30th September, 2026, the First Court posted the matter on 01st October, 2026 directing that, instructions be obtained as to the decision in regard to the said appeal.

4. On 01st October, 2026, the First Court was informed that, the appeal has already been decided. In view thereof, the said petition was disposed with liberty to the petitioner to institute a fresh proceedings.

5. Mr. Sakhardande, the learned Senior Advocate for the petitioner submits that, during the course of hearing of the said writ petition, the petitioner was served with a copy of the final order passed in the said appeal. The said order passed by the Minister, Food and Drugs Administration, Maharashtra State, does not record any submissions of the parties nor the grounds raised by the petitioner – appellant, have been dealt with. The impugned order, in fact, is bereft of reasons.

6. Upon perusal of the said order, this Court was anxious to ascertain whether the order is interim or final, as clause (4) of

the said order records that, the date and time of hearing of the matter would be communicated in due course. Hence, the learned AGP was directed to take instructions and the matter came to be posted in the second session.

7. Mr. Kakade, the learned AGP, on instructions, submits that the impugned order is a final order. Even the First Court was informed on behalf of the State that, the appeal was decided.

8. Evidently, the impugned order is sans reasons. It is in the form of a mere record of proceedings. The Appellate Authority is expected to deal with the grounds of challenge to the order impugned before it and record independent reasons. Even when the Appellate Authority decides to confirm the order passed by the Authority in the first instance, the order must reflect due application of mind.

9. Even if some allowance is given on account of the fact that, the impugned order is passed by an administrative authority and not a judicial authority, yet, the impugned order cannot be sustained as it singularly lacks reason.

10. In view of the above, the petition deserves to be allowed.

11. Hence, the following order :-

: : O R D E R : :

(i) The Writ Petition stands allowed.

(ii) The impugned order dated 28th September, 2026, stands quashed and set aside.

(iii) The appeal stands restored to the file of the State Government for a fresh decision, in accordance with law.

(iv) The State Government shall hear the parties and pass a reasoned order dealing with the grounds on which the licences were cancelled by the Licensing Authority and the grounds of challenge thereto.

(v) In the meanwhile, the order passed by the Licensing Authority dated 01st July, 2026 stands stayed and the licences stand revived till the final decision of the appeal.

(vi) In the event, in the appeal an adverse order is passed against the petitioner, the stay to the order passed by the Licensing Authority dated 01st July, 2026 shall continue to operate for a further period of one week thereafter.

[N. J. JAMADAR, J.]