

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3315 OF 2026**

Dr. Vandana Amol PatilPetitioner

Versus

The State of Maharashtra & Ors. . . .Respondents

Ms. Ankita Singhania a/w. Mr. Amit Karkhanis, Ms. Shubhangi Pandey and Ms. Anita Chikane for the Petitioner.

Mr. P.P. Kakade, Addl. GP a/w. Mr. S.P. Kamble, AGP for Respondent No.1.

Mr. Rohit Sakhadeo for Respondent Nos.2 and 3.

Dr. Vandana Amol Patil, Petitioner present in person.

**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 11th MARCH, 2026

P.C. :-

1. At the outset, the Court expresses its compliments to the learned Advocate Mr. Sakhadeo, who responded to the request to appear on behalf of the Nashik Municipal Corporation and the Thane Municipal Corporation in this matter, which required urgent attention. He appeared on behalf of these two Respondents after being requested by the Court since he is on the panel of lawyers. During the lunch session, he obtained instructions and assisted the Court.

2. Considering the order that we are passing by consent of the Petitioner, we need not record much details leading to the filing of this Petition. Suffice it to say that the Petitioner would be availing of the remedy of filing an Appeal under Section 19 of the Assisted Reproductive Technology (Regulation) Act, 2021 (ART Act, 2021) against the suspension and cancellation of the registration of the Petitioner's clinic vide the impugned order.

3. The learned Addl. GP informs that under Section 19(a) of the ART Act, 2021, the Appeal will have to be filed before the Minister, Health Department, Government of Maharashtra. The learned Advocate for the Petitioner submits, on instructions, that such an Appeal will be filed expeditiously.

4. The learned Advocate Mr. Sakhadeo has sorted out a serious issue that had become a matter of concern for the Petitioner, namely the steps to be taken for the preservation of frozen 35 embryos with the aid of liquid nitrogen. Mr. Sakhadeo has tendered a photostat copy of the communication dated 11th March, 2026, which is taken on record and marked as 'X' for identification.

5. The learned Advocate for the Petitioner has apprised the Court that the liquid nitrogen used for preserving the frozen embryos is required to be replaced on every fourth day, after a span of three days from the previous replacement. By communication 'X', the Corporation has agreed to de-seal the clinic only to facilitate the Petitioner to replace the liquid nitrogen in the frozen 35 embryos.

6. Since such a gracious gesture has been made by the Nashik Municipal Corporation, we would take the said gesture a little further by calling upon the Corporation to depute a team, in whose presence the clinic would be momentarily de-sealed every fourth day to permit the Petitioner to replace the liquid nitrogen and thereafter re-seal the clinic. This activity would continue on every fourth day in succession until further orders in the Appeal, which the Petitioner would prefer within a period of seven days from today.

7. It would be the responsibility of the Petitioner to ensure her presence at the clinic between 14:00 hrs. to 16:00 hrs. on every fourth day. If such a fourth day falls on a Saturday, Sunday, or a

national/public holiday, we would appreciate if the Corporation extends its graciousness to depute the team to carry out such exercise even on such days, and the Petitioner would not put forth any excuse for not being able to make it to the clinic between 14:00 hrs. to 16:00 hrs.

8. Under Section 19(a) of the ART Act, 2021, the Appeal is statutorily provided. Rule 9 of the Assisted Reproductive Technology (Regulation) Rules, 2022 prescribes Form 4 for filing such an Appeal. A limitation period of 30 days is prescribed under Section 19 of the ART Act, 2021. The impugned order is dated 4th March, 2026 and, therefore, the Petitioner is well within limitation.

9. Needless to state, the Appellate Authority would deal with the Appeal on its own merits and endeavor to pass a final reasoned order by following the due procedure as may be applicable within a period of 45 days from the date of filing of the Appeal. The Petitioner would mention her email address as well as WhatsApp number in the memo of Appeal for ease of correspondence.

10. In the event any adverse order is passed by the Appellate Authority, in order to ensure that the frozen embryos are kept secure, the said adverse order would not affect the above direction to continue to enable the Petitioner to change the liquid nitrogen on every forth day.

11. We leave it to the State Government to consider whether the said 35 embryos need to be momentarily transferred to any other active IVF facility in Nashik town, keeping in view that even the Corporation would find it cumbersome to support the Petitioner in replacing the liquid nitrogen for an extended period.

12. So far as the replacing of the liquid Nitrogen today, the Petitioner present in the Court hall submits that a senior Embryologist, Mr. Rajesh Kumbhar, representative of the Petitioner, can reach the Petitioner's IVF clinic at 5.30 p.m. today, and the Nashik Municipal Corporation would instruct its concerned team to reach the clinic so as to enable the replacement of the liquid nitrogen.

13. In view of the above directions, **this Petition is disposed off.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)