

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 4411 OF 2025

Maharashtra Medical Council

...Petitioner

Versus

Union of India & Ors.

...Respondents

Mr. S. G. Ghaterao a/w Sachin Patil i/b N. V. Tapare for Petitioner.

Ms. Neeta Masurkar a/w Saket Katkar for Respondent.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 01 APRIL 2026

P.C.

1. Rule, returnable forthwith. By consent of the parties, heard finally.
2. This petition under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs:

“a) that this Hon’ble Court be pleased to issue a Writ of Certiorari or a Writ in the nature of Certiorari or any other writ, order or direction under Article 226 of the Constitution of India calling the records pertaining to the Petitioner case and after going into the validity and legality, thereof, to quash and set aside impugned order dated 27/06/2025, passed by the first appellate authority i.e. Respondent no. 3. (EXHIBIT - L).

b) that this Hon’ble Court be pleased to issue a Writ of Mandamus or a writ in the nature of Mandamus or any other writ, order or direction under Article 226 of the Constitution of India ordering and directing :-

i) the Respondents by themselves, their servants, agents and subordinates from in any manner taking any steps to enforce the impugned order dated 27/06/2025 passed by the first appellate authority.

ii) that, pending the hearing and final disposal of the petition, the Respondents themselves, their subordinates, servants and agents, be restrained by an interim order and injunction of this Hon’ble Court, from taking any steps or proceedings in pursuance of and /or in furtherance of or implementation of impugned order dated 27/06/2025 passed by the first appellate authority.”

3. Briefly the facts are : On 25 November 2024, an order under Section 74 of the CGST Act was passed, raising a demand of Rs.10,27,63,066/- from the petitioner, however, the same was not served/uploaded on the portal. On 27 March 2025, a letter was addressed by the petitioner to the Appellate Authority informing difficulty in filing an appeal online, when the petitioner intended to file an appeal being aggrieved by the adjudication order.

4. The petitioner thereafter filed an appeal on 28 March 2025. The hearing of the appeal was fixed on 11 April 2025. Further, on 29 April 2025, a letter was addressed by the petitioner to the adjudicating authority with a request to upload a copy of the order on the GST portal. A reminder in that regard was addressed on 25 June 2025. However, by an order dated 27 June 2025, the Appellate Authority rejected the appeal on the ground of non-payment of the pre-deposit amount.

5. The petitioner has contended that the petitioner is a statutory body formed under the Maharashtra Medical Council Act, 1965. Qua the reasons as to why the pre-deposit could not be made, learned counsel for the petitioner, now on instructions has submitted, that the petitioner is ready and willing to make the pre-deposit, so that the appeal filed by the petitioner can be decided on merits.

6. In the facts and circumstances of the case, considering that the petitioner is a statutory body performing public functions, we are of the opinion that it is imperative that the petitioner be permitted to make the requisite pre-deposit. Let such amount be deposited within a period of three weeks from today. On such deposit, the petitioner's appeal shall stand restored to the file of the Appellate

Authority to be adjudicated on its merits. We accordingly set aside the order dated 27 June 2025 passed by the Appellate Authority rejecting the appeal for want of pre-deposit.

7. Let the appeal accordingly be heard on its merits, without an objection as to limitation.

8. All contentions of the parties in this regard on the appeal are kept open.

Ordered accordingly.

9. The Writ Petition stands partly allowed in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)