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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4202-2026 (O&M)
Date of decision: 25.03.2026

GURMUKH KAPOOR

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

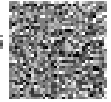
Present:- Dr. Sandeep Kumar Passi, Advocate
for the petitioner.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI, J.

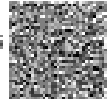
1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 11.08.2025 (Annexure P-7) and cancellation order dated 03.04.2025 (Annexure P-5) passed by respondents No.2 and 3, respectively, whereby the Wholesale Drug Licence No.20B-146646 and 21B-146647 has been cancelled with immediate effect due to contravention of various provisions of Drugs and Cosmetics Act, 1940/Drugs and Cosmetics Rules, 1945, while initiation an action under Rule 66(1) of the Drugs and Cosmetics Rules, 1945.

2. Dr. Sandeep Kumar Passi, learned counsel for the petitioner submitted that by way of the impugned order dated 03.04.2025 (Annexure P-5), the Assistant Commissioner (Drugs)-cum-Licensing Authority FDA, Punjab,



has cancelled the aforesaid licence of the petitioner on the basis of contraventions of various provisions of the Drugs and Cosmetics Act, 1940/Drugs and Cosmetics Rules, 1945. He further submitted that on an appeal being filed by the petitioner, the same was rejected vide Annexure P-7 by the appellate authority i.e. the Commissioner, Food & Drugs Administration, Punjab and both the aforesaid orders have been challenged in the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner is a partner in a firm under the name of M/s J.S. Pharmaceuticals. There is another partner in the firm, namely, Kuldeep Kumar son of Krishan Gopal and they were holding a wholesale drug licence vide Annexure P-1 which was valid till 08.12.2024. However, a raid was conducted by a team on 21.01.2025 and the premises of the firm were sealed. Thereafter, on the next day i.e. 22.01.2025, the seal was opened by a team and various discrepancies were found on the basis of which the licence of the petitioner was cancelled. He further submitted that one of the grounds for cancellation of the licence was that the licence of the firm was valid only till 08.12.2024 and the raid was conducted on 21.01.2025, wherein various drugs were seized. Although a show cause notice was issued to the petitioner but reply to the said notice was filed by his wife because the petitioner was in jail in some other case and it was found that the firm of the petitioner had stocked various medicines which were not in accordance with law but at the same time, as per Rule 63(3) of the Drugs and Cosmetics Rules, 1945, six months can be granted after the expiry of the licence for renewal of the same and since there was another period of six months available to the firm,

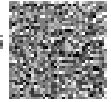


the same could not have become a ground for cancellation of licence. He submitted that rather the licence fee was paid by way of e-challan on 23.01.2025.

4. Learned counsel for the petitioner submitted that as per Clause 14 of the Notification dated 25.03.2021 issued by the Government of Punjab, it so provides that on conviction, in case it is upheld by High Court, the licence can be cancelled, whereas after conviction in the present case, the appeal is still pending.

5. Dr. Passi submitted that when the premises were raided on 21.01.2025 and thereafter, on 22.01.2025 the seal was opened, a FIR was registered against the petitioner in some other case under the NDPS Act, pursuant to which he was arrested on 23.01.2025 and he could not present his case before the authorities and the reply to the show cause notice was submitted by his wife, which was although found to be unsatisfactory but adequate opportunity has not been granted to the petitioner and therefore, the impugned orders are liable to be set aside.

6. On the other hand, Ms. Shruti, AAG, Punjab submitted that in the present case, a perusal of the impugned order passed by the Assistant Commissioner (Drugs)-cum-Licensing Authority FDA, Punjab vide Annexure P-5 would show that a number of violations have been proved against the petitioner and various medicines were confiscated at the time of the raid conducted by the constituted team and therefore, the aforesaid order passed by the Assistant Commissioner (Drugs)-cum-Licensing Authority FDA, Punjab is a well reasoned order and the present petition is liable to be dismissed.

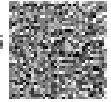


7. She further submitted that the petitioner has filed the present petition in his personal capacity, whereas the licence was granted to the firm, which is in the nature of a partnership firm vide Annexure P-1 and therefore, the petitioner in his personal capacity has got no *locus standi* to file the present petition because the firm itself has not been impleaded as a party.

8. She further submitted that FIR was registered against the petitioner under the NDPS Act on 22.01.2025 and he was subsequently arrested on 23.01.2025 and the firm of the petitioner is dealing with the drugs, which were confiscated and the firm of the petitioner was not entitled to possess the drugs and since the matter is serious in nature affecting the lives of the people, the present petition is liable to be dismissed. She also submitted that so far as the second partner, namely, Kuldeep Kumar is concerned, he was convicted under the Drugs Act and therefore, both the petitioners have been indulging in such practices, which affect the right to life of the people and consequently, the present petition is liable to be dismissed.

9. I have heard the learned counsels for the parties.

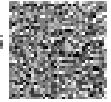
10. A perusal of the licence (Annexure P-1) would show that it is in the name of the firm, namely, M/s J.S. Pharmaceuticals, in which the petitioner is stated to be one of the partners but as per Form 20B, the other partner, namely, Kuldeep Kumar, is stated to be the competent person under whose personal supervision the sale is to be conducted. The present writ petition has been filed by the petitioner in his personal capacity and not on behalf of the firm. As per Annexure P-1, the competent person under the licence was the other partner and not the petitioner and the aforesaid other partner, namely, Kuldeep Kumar had



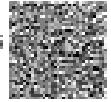
already been convicted under the Drugs Act. However, a perusal of order (Annexure P-8) would show that the aforesaid Kuldeep Kumar, who is the competent person under the licence, filed an appeal against the order of conviction, which was admitted on 02.12.2024 and recovery of fine was stayed but there is no stay of the conviction or sentence. Therefore, since the petition has been filed by the petitioner in his personal capacity, the same would not be maintainable.

11. A perusal of Annexure A-5 annexed with Annexure P-6 would show that on 21.01.2025, an order was passed by a Coordinate Bench of this Court on a petition filed by the petitioner seeking setting aside of the order by which he was declared a proclaimed offender. The said petition was disposed of with a direction to the petitioner to surrender before the learned trial Court within a period of one week and apply for regular bail but he was subsequently arrested in another FIR under NDPS Act on 23.01.2025.

12. A perusal of impugned order (Annexure P-5) would show that a team was constituted comprising of the DCO, Ferozepur, DCO, Fazilka, DSP, ANTF, Ferozepur Range and ASI ANTF, Ferozepur Range and the premises of the firm were inspected on 22.01.2025. The inspection was conducted in the presence of Mr. Kunal Kapoor, who is the nephew of the petitioner as well as one Municipal Councillor of Ward No.5, Ferozepur City. On the previous date i.e. 21.01.2025, the shop was sealed by the aforesaid team. During the inspection on 22.01.2025, a large number of contraventions were detected, which are elaborately mentioned in the aforesaid order (Annexure P-5). Briefly, the contraventions so reported were as under:-



- (i) The competent person under the licence, namely, Kuldeep Kumar, as well as the present petitioner were found absent at the time of inspection of the firm. One of the partners, namely, Kuldeep Kumar had already been convicted under the Drugs and Cosmetics Act, 1940 and the petitioner had been declared a proclaimed person.
- (ii) The licence of the firm already stood expired on 08.12.2024 and the online fee challan was submitted only on 23.01.2025 i.e. after the raid was conducted.
- (iii) The record pertaining to the purchase and sale of 32 types of drugs, which were seized was not shown and therefore, there was a contravention of Rule 65(4)(3), 65(5)(3) and 65(6) of the Drugs and Cosmetics Rules, 1945.
- (iv) A drug in the name of *tapentadol solid oral dosage* was found stocked but the firm was not permitted to stock the aforesaid drug and rather was barred by red stamp affixed by the department on the face of the licences. In this way, the firm was specifically barred to deal with the said drug and yet it was found kept in the premises.
- (v) Drug formulations of *pregabalin* more than 75 mg. strength, which were prohibited by the District Magistrate, Ferozepur vide order dated 10.01.2025 were found and no sale/purchase record was produced.



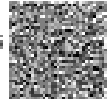
(vi) Three different types of allopathic drugs were also found, for which no sale/purchase record was shown on demand.

(vii) The sale/purchase of drugs was found to be conducted in the absence of competent persons. The competent person, namely, Kuldeep Kumar already stood convicted and the petitioner being the second partner was declared a proclaimed offender and therefore, in the absence of the partners/competent persons, no sale/purchase could have been carried out.

(viii) No Refrigerator/AC was found installed, which is necessary for storage of the drugs.

(ix) The ANTF also took possession of drugs formulations containing narcotic and psychotropic substances and registered an FIR under the NDPS Act.

13. When a show cause notice was issued to the petitioner, his wife submitted a reply vide Annexure P-4 stating that the premises were sealed on 21.01.2025 in the absence of the competent persons and that on 22.01.2025, when the drugs were seized, a FIR was lodged against her husband, who is the present petitioner and the arrest of her husband was illegal and no record can be produced by her. However, the reply filed by the wife of the petitioner was found to be unsatisfactory by the competent authority. It was so observed by the competent authority that there was no justified reason mentioned in the reply regarding non-submission of the retention application along with retention fee within time because the retention fee was remitted on 23.01.2025 i.e. after the inspection of the premises, whereas the licence was not valid

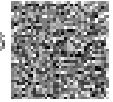


and the fee was not paid well in time. There was no submission of sale and purchase records of 32 types of drugs given to the competent authority till the time of passing of the order and no such documentary evidence was provided.

14. The competent authority thereafter took note of the serious contraventions and observed that the firm was found stocking *tapentadol* containing drug formulations without valid permission of the licensing authority and the same were seized under Form 16. A more serious issue was with regard to the fact that earlier, the firm was debarred forever from stocking and for sale of the formulations containing *tramadol* and *tapentadol* salts vide letter dated 11.09.2020 and still such drugs were found. *Pregabalin* containing drugs formulations without valid sale and purchase records were also found which can be misused as intoxicants these days and which were rather prohibited by the District Magistrate, Ferozepur.

15. Not only this, the previous track record of the firm was also considered. On 14.03.2019, six types of allopathic drugs were seized from the firm and the drugs licences of the firm were suspended for 15 days vide letter dated 15.05.2019. Again on 20.06.2019, three types of allopathic drugs were seized from the firm and the drugs licences of the firm were suspended for 1 month vide letter dated 20.12.2019. Thereafter again on 23.07.2019, licences of the firm were suspended for two months and debarred forever for formulations containing *tramadol* and *tapentadol* salts vide letter dated 11.09.2020.

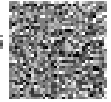
16. After considering all the aforesaid important factors, the Assistant Commissioner (Drugs)-cum-Licensing Authority FDA, Punjab, came to a



conclusion that not only the firm, of which the petitioner is a partner, had a past record but there were also serious contraventions by the firm, especially with regard to stocking of drugs, which were specifically banned as aforesaid i.e. *tramadol* and *tapentadol* salts, which can be misused for the purpose of intoxication by the youth in particular. The competent authority also took note of the fact that both the partners are habitual offenders engaged in the unethical trade of drug formulations containing narcotic drugs and psychotropic substances and therefore, thought it fit to cancel the licence of the petitioner.

17. So far as the argument raised by the learned counsel for the petitioner with regard to permissibility to pay renewal fee within six months as per Rule 63(3) of the Drugs and Cosmetics Rules, 1945 is concerned, the premises was raided on 21.01.2025, whereas e-challan for fee was filed on 23.01.2025. Therefore, the argument raised by the learned counsel for the petitioner is unfounded and unsustainable. So far as second argument raised by the learned counsel for the petitioner that the licence of the petitioner could not be cancelled on the basis of conviction of his partner as per Clause 14 of the Notification is concerned, the same is also unsustainable because even if the conviction of partner of the petitioner has not been upheld by High Court, but the cancellation cannot be set aside only on this score. There are many other reasons on the basis of which cancellation was made. Additionally, the present petition has been filed by the petitioner in personal capacity and has no *locus standi* to maintain the petition.

18. This Court is of the view that considering the aforesaid seriousness of the issue pertaining to the confiscation of even those drugs which were



earlier specifically banned for the petitioner and were found in the premises during the raid accompanying with the other factors considered by the competent authority, including the involvement of both the partners in other criminal cases under the Drugs and Cosmetics Act and the NDPS Act, the licensing authority, in its wisdom, has exercised its powers after being satisfied and rightly thought it fit to cancel the wholesale drug licence of the firm of the petitioner. The aforesaid order (Annexure P-5) was upheld by the appellate authority i.e. the Commissioner, Food & Drugs Administration, Punjab vide Annexure P-7. This Court would therefore not substitute its own opinion with regard to the wisdom of the licencing authority based upon the material which has been so explained in detail in the impugned orders. It is for the licensing authority to apply its mind based on cogent material and contraventions, which has been done in the present case. Therefore, this Court does not find any illegality or perversity in both the impugned orders dated 03.04.2025 (Annexure P-5) and dated 11.08.2025 (Annexure P-7) passed by the Assistant Commissioner (Drugs)-cum-Licensing Authority FDA, Punjab and the Commissioner, Food & Drugs Administration, Punjab, respectively.

19. Consequently, finding no merit in the present Civil Writ Petition, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

25.03.2026
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No