

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16038 OF 2022

M/s Zeno Health Through Director Rajendra Singh	...Petitioner
<i>Versus</i>	
The Assistant Commissioner (Zone-1) And Anr.	...Respondents

Mr.Kalpesh U. Patil, for Petitioner.
Mr.A.I. Patel, AGP for Respondents.

CORAM : M.M.SATHAYE, J.

DATED : 30th DECEMBER, 2022
(Vacation Court)

P.C. :

1. Rule. Learned AGP waives service on behalf of Respondents. Rule is made returnable forthwith.
2. By this petition filed under Article 226 and 227 of the Constitution of India, Petitioner is praying for direction to Respondent No.2 to pass appropriate order in the Appeal No. 22/601-22/Zo-1 filed by the Petitioner on merits and for interim protection till the decision in the appeal is taken. Heard learned counsel for the Petitioner and learned AGP for Respondent Nos.1 & 2.
3. Learned counsel for the Petitioner has invited this Court's attention to the order dated 12.09.2022 passed by the Assistant Commissioner (Zone-1) and Licensing Authority, Food and Drugs Administration, Thane. By this order the license to run medical shop of the Petitioner is directed to be suspended

from 01.01.2023 to 30.01.2023. Learned counsel for the Petitioner submitted that after the suspension order dated 12.09.2022 was passed, the Petitioner has filed statutory appeal before the State Government on 10.11.2022. He further submitted that by notice dated 18.11.2022, the Petitioner was called for hearing in the said appeal on 28.11.2022, when the Petitioner appeared before the State Government and submitted documents in support of his case and the matter is closed for order.

4. Learned AGP on the other hand contended that the appeal is filed only recently and just a month has passed and there is no pressing need to pass order.

5. Since suspension to run medical shop has bearing on availability of medicines and since the appeal filed by the Petitioner is pending and arguments are concluded, this Court is of the view that the petition itself can be disposed off by directing the Respondents to decide the appeal in time bound manner. In that view of matter, following order is passed.

ORDER

i. Respondent No.2 is directed to decide Petitioner's Appeal No.22/601-22/Zo-1 within a period of three weeks from today on merits. Till the time the said appeal is decided, the suspension order dated 12.09.2022 passed in respect of Petitioner's shop, shall remained stayed.

- ii. This court has not expressed any opinion on the merits of the Petitioner's case in appeal and the same be decided in accordance with law.
- iii. Respondent No.2 to communicate the order that will be passed in the appeal, to the Petitioner within a period of one week from the date of the decision.
- iv. The writ petition is disposed off. Rule is made absolute in the aforesaid terms. No order as to costs.

(M.M.SATHAYE, J.)