



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 14801 OF 2026

Ms New Galaxy Pharma Through Its Authorized Representative
VERSUS
The State Of Maharashtra Through The Principal Secretary And Others

...
Advocate for the Petitioner : Mr. Deshmukh Vijay Vasantao a/w. Mr.
A.S. Kulkarni

AGP for Respondent/State : Ms. Vaishali S. Chaudhari

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CORAM : MANJUSHA A. DESHPANDE, J.

DATED : OCTOBER 21, 2026

PER COURT:

1. The petitioner in writ petition is raising challenge to order dated 16.10.2026 passed by respondent no.3 – Assistant Commissioner (Drugs)/Licensing Authority, Food and Drugs Administration, Chhatrapati Sambhajnagar Zone-1, who has suspended drugs license of the petitioner/hospital for a period of 30 days w.e.f. 21.10.2026 to 19.11.2026. The petitioner is a hospital, which has a licensed pharmacy/medical store attached to it carrying on the business in the name and style as M/s. New Galaxy Pharma at Room No.11, First Floor, Property No.F00033345, Zone No.7, C.T.S. No.15561/5, Ulka Nagari, Garkheda, Chhatrapati Sambhajnagar. The premises of the shop of petitioner were inspected on 21.07.2026 and a show cause notice dated 04.08.2026 was issued calling upon the petitioner to explain the observations made during inspection. In response to which, the

petitioner has submitted a written explanation on 20.08.2026 dealing with the specific findings in the inspection report.

2. It is submitted by learned advocate appearing for petitioner that a personal hearing was given to the petitioner on 29.09.2026. After hearing the petitioner, the impugned order suspending the license of petitioner has been issued. The grievance of the petitioner is that the order suspending the license has been issued on 16.10.2026, which has to take effect on 21.10.2026 leaving no time for the petitioner to approach the Appellate Authority challenging the same, although the impugned order itself provides for 90 days to file an appeal. It is submitted that even though 90 days period is provided in the impugned order for approaching the Appellate Authority, the effect of order of suspension is given before the period of 90 days for filing an appeal is over. Hence, prejudice is caused to the petitioner.

3. Learned AGP appearing for State submits that, if at all the petitioner is aggrieved by the order of suspension of his license, he has a remedy of filing appeal under Rule 66(2) of Drugs and Cosmetics Rules, 1945.

4. After hearing the petitioner and perusing the order impugned, it is evident that the order is issued on 16.10.2026, which according to the petitioner, the petitioner has received it on the very day in evening. Although the order itself provides for a period of 90 days for

approaching the Appellate Authority under Rule 66(2) of the Rules, 1945, the effect of order is given immediately on 21.10.2026 leaving no time for the petitioner to approach the Appellate Authority. Although a remedy is provided, the petitioner is deprived of the remedy available to it due to the day on which the order of suspension is passed. As a result of the effective date of the impugned order, the petitioner is unable to approach the Appellate Authority, before the order become effective.

5. In view thereof, without going into the merits of the matter, it would be appropriate to keep the order impugned in abeyance by granting time to the petitioner to approach the Appellate Authority for obtaining appropriate orders. Hence, I pass the following order :

ORDER

- (i) Writ Petition is partly allowed.
- (ii) The impugned order issued by respondent no.3 dated 16.10.2026 shall not be given effect and kept in abeyance for a period of four weeks from the date of this order, so as to enable the petitioner to approach the Appellate Authority under Rule 66(2) of Rules, 1945.
- (iii) In case, the petitioner approaches the State Government as prayed by the petitioner, the application for interim protection in the statutory appeal against the impugned order shall be

considered by the State Government, as early as possible.

(iv) Parties to act on authenticated copy of this order.

(v) Learned AGP to communicate the order passed by this Court to the concerned authorities without waiting for uploading of order.

(vi) In the aforementioned directions, writ petition stands disposed of.

[MANJUSHA A. DESHPANDE, J.]