



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11482 OF 2026

Indira IVF Hospital Limited Medical Store Thr. Dondhiram Dattabuwa
Bharati

VERSUS

The State of Maharashtra & Ors.

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Mr.Vijay V. Deshmukh for the Petitioner.

Dr.Kalpalata Patil Bharaswadkar, Addl. G.P. for the Respondent/State.

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 01.09.2026

PER COURT :

1. The Petitioner is challenging the order passed by the Assistant Commissioner, Drugs and License Authority under the Food and Drugs Administration Department, Chh. Sambhaji Nagar suspending the liscence of the Medical Store in the Hospital run by the Petitioner, who is the Director of the said Hospital. The order of suspension has been passed invoking provisions of the Drugs and Cosmetics Act, 1940.

2. It is the contention of the Petitioner that pursuant to the inspection report, the order of suspension has been passed on 28th August, 2026. However, it is stated on affidavit by the Petitioner that the said order has been received by the Petitioner or rather served on the Petitioner on 31st August, 2026, and the effect of the order of suspension is to take from 1st September, 2026, leaving leave sufficient time for the

Petitioner to approach the Competent Authority as provided under Section 66(2) of the Drugs and Cosmetics Act, 1940. Section 66(2) provides period of 90 days to approach the Competent Authority against the order of suspension. The prayer of the Petitioner is opposed on the learned Addl. G.P. on the ground that there are serious lapses and irregularities found in the inspection carried out by the Competent Authority of the Medical Store attached to the Hospital of the Petitioner. The other objection as regards the availability of alternate remedy is also raised by the learned Addl. G.P.

3. After perusing the impugned order and hearing the respective parties, in my view, sufficient time was not granted to the Petitioner to approach the Appellate Authority. The Petitioner has stated on affidavit that the order of suspension dated 28th August 2026 was served upon him on 31st August 2026, i.e. only one day prior to the date on which the suspension order was to come into force. Thus, only for the purpose of granting the Petitioner sufficient time to approach the Competent Authority, as provided under the Act, the effect and operation of the impugned order dated 28th August 2026 passed by Respondent No. 3 shall remain stayed for a period two weeks from the date of this order. It is made clear that this Court has not expressed any view about the merits of the matter. All contentions of the respective parties, so far as merits of the matter are kept open.

4. In view thereof, this **Writ Petition is disposed off.**

5. The parties to act upon an authenticated copy of this order. The learned Addl. G.P shall inform Respondent No. 3 about the order passed by this Court in the open Court.

[MANJUSHA DESHPANDE, J.]