

Sidhambika Pharma Pvt Ltd. Vs. Drugs Controller General (i) and Others

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Court : Mumbai

Decided On : Jul-10-2012

Judge : A.M. Khanwilkar & a.R. Joshi

Appeal No. : Criminal Writ Petition No. 1612 of 2012

Appellant : Sidhambika Pharma Pvt Ltd.

Respondent : Drugs Controller General (i) and Others

Judgement :

P.C.

Not on Board. Upon mentioning, taken on Board.

2. The relief claimed in this Petition is to assail the decision of the Authority, cancelling import permission given to the Petitioner.

3. Considering the nature of relief, the matter ought to have been filed as Civil Writ Petition, as it is against the civil action taken by the Authority. The fact that some criminal proceedings are pending and is the basis for cancellation of licence, does not mean that the impugned action is criminal action to be amenable to criminal writ jurisdiction.

4. Accordingly, leave to amend to convert this Petition into Civil Writ Petition is granted. Amendment be carried out within one week from today.

5. Office to place the matter before Appropriate Bench. Liberty to apply.

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