



CNR: KAHC010677922026

NC: 2026:KHC:54853
WP No. 30910 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 30910 OF 2026 (GM-RES)

BETWEEN:

1. M/S.WELLNESS FOREVER
CHEMISTS AND LIFESTYLE STORE
REGISTERED UNDER THE DRUGS
AND COSMETICS ACT, 1940 AND
THE RULES MADE THEREUNDER
REG. OFFICE AT NO.1351,
JNMC COMPLEX, P.B. ROAD,
BELAGAVI DISTRICT -590010,
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR. MOHAMMED ISMAIL ASLAMI,
AGED ABOUT 52 YEARS,
S/O MOHAMMED ASLAM

...PETITIONER

(BY SRI. ABHISHEK H, ADVOCATE FOR
SRI. PRASANNA KUMAR B T.,ADVOCATE)

AND:

1. THE ASSISTANT DRUGS CONTROLLER - 3(P)
AND LICENSING AUTHORITY
THE DEPUTY DRUG CONTROLLER'S
REGIONAL OFFICE, CTS NO.1848,
SY.NO.96/2B, KAVERI NAGAR,
2ND PHASE, GURUPRASAD COLONY,
BELGAUM DISTRICT- 590006





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2. THE COMMISSIONER
DEPARTMENT OF FOOD SAFETY AND
DRUGS ADMINISTRATION,
GOVERNMENT OF KARNATAKA,
BENGALURU 560001.
3. THE PRINCIPAL SECRETARY
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA,
BENGALURU 560001.

...RESPONDENTS

(BY SRI. SHIVAREDDY V, AGA)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 21.09.2026 3 1339/2026-27 PASSED BY RESPONDENT NO.1 UNDER RULE 66(1) OF THE DRUGS AND COSMETICS RULES, 1945, WHEREBY THE DRUG LICENCES OF THE PETITIONER HAVE BEEN CANCELLED, PRODUCED AS ANNEXURE-D, AS BEING ARBITRARY, ILLEGAL, VIOLATIVE OF THE PRINCIPLES OF NATURAL JUSTICE AND CONTRARY TO THE PROVISIONS OF THE DRUGS AND COSMETICS ACT, 1940 AND THE RULES MADE THEREUNDER.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA



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ORAL ORDER

The present petition is filed seeking for the following reliefs:

- "a) Issue a Writ of Certiorari or any other appropriate writ, order or direction, quashing the impugned order dated 21.09.2026 bearing Ref. No. ಸಂ:ಆಸುಬೆಆ:ಉಬೆನಿಬೆ: ಲೈವಿ:ಸ.ಬೆ.ನಿ-3:1339/2026-27 passed by Respondent No.1 under Rule 66(1) of the Drugs and Cosmetics Rules, 1945, whereby the Drug Licences of the Petitioner have been cancelled, produced as ANNEXURE-D, as being arbitrary, illegal, violative of the principles of natural justice and contrary to the provisions of the Drugs and Cosmetics Act, 1940 and the Rules made thereunder;
- b) consequently, direct the Respondent authorities to restore/revive the Drug Licences of the Petitioner and permit the Petitioner to carry on its pharmaceutical distribution business in accordance with law, subject to such conditions as this Hon'ble Court may deem fit to impose;
- c) in the alternative, direct Respondent No.3 Principal Secretary, Health and Family Welfare Department, Government of Karnataka, to consider and dispose of the appeal/representation dated 24.09.2026 produced as Annexure-G preferred by the Petitioner against the impugned order dated 21.09.2026, in accordance with law, after affording the Petitioner an effective opportunity of hearing, within such time as may be fixed by this Hon'ble Court; Produced as ANNEXURE-D.
- d) Issue such other appropriate writ, order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interest of justice and equity."



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2. The Registry has raised an objection that the petitioner carries out business at Belagavi and hence, the writ petition is to be presented before the Dharwad Bench of this Court.

3. It is the contention of the learned counsel for the petitioner that being aggrieved by the impugned Show Cause Notice cum Suspension Order dated 19.09.2026 (Annexure-B to the writ petition), an appeal was preferred under sub-Rule (2) of Rule 66 of the Drugs and Cosmetic Rules, 1945¹ before the first respondent - Appellate Authority, on 24.09.2026, which is situated at Bengaluru. A copy of the memorandum of appeal together with acknowledgement for having filed the appeal is produced as (Annexure G to the writ petition) to the writ petition.

4. The petitioner is an authorized distributor of pharmaceutical products. The petitioner has been issued the impugned Show Cause Notice cum Suspension Order dated

¹ Hereinafter referred to as 'Rules'



19.09.2016² (Annexure-B to the writ petition), whereunder the license of the petitioner to deal with pharmaceutical products has been suspended. The said impugned notice cum order is stated to have been issued in exercise of the powers contained under Rule 66 of the Rules. The said Rule 66 of the Rules reads as under:

"66. Cancellation and suspension of licenses.

(1)The licensing authority may, after giving the licensee an opportunity to show cause why such an order should not be passed by an order in writing stating the reasons therefor, cancel a license issued under this Part or suspend it for such period as he thinks fit, either wholly or in respect of some of the substances to which it relates, if in his opinion, the licensee has failed to comply with any of the conditions of the license or with any provisions of the Act or rules thereunder:

Provided that, where such failure or contravention is the consequence of an act or omission on the part of an agent or employee, the license shall not be canceled or suspended if the licensee proves to the satisfaction of the licensing authority-

(a)that the act or omission was not instigated or connived at by him or, if the licensee is a firm or company, by a partner of the firm or a director of the company, or

(b)that he or his agent or employee had not been guilty of any similar act or omission within twelve months before the

² Hereinafter referred to as 'impugned notice cum order'



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date on which the act or omission in question took place, or where his agent or employee had been guilty of any such act or omission, the licensee had not or could not reasonably have had knowledge of that previous act or omission, or

(c)if the act or omission was a continuing act or omission, he had not or could not reasonably have had knowledge of that previous act or omission, or

(d)that he had used due diligence to ensure that the conditions of the license or the provisions of the Act or the rules thereunder were observed.

(2) A licensee whose license has been suspended or canceled may, within three months of the date of order under sub-rule (1), prefer an appeal against that order to the State Government, which shall decide the same."

5. The allegation against the petitioner is that it has procured "Zavicefta Injection" from M/s. Viva Pharma, which is not an authorized supply channel of M/s. Pfizer Limited, Bengaluru. It is the contention of the official respondents that the petitioner having procured the product in question from the un-authorized supply channel, the same has been sold to various entities.

6. It is forthcoming that vide the impugned Show Cause Notice dated 19.09.2026 (Annexure-B to the writ petition), the



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petitioner has been called upon to furnish the requisite details as well as the license of the petitioner has been suspended.

7. A plain reading of sub-Rule (1) of Rule 66 of the Rules clearly indicates that the petitioner is entitled to be given a Show Cause Notice before an order of either suspension or cancellation is passed.

8. In the present case, vide the impugned notice cum order, the Petitioner has not only been notified of the allegation/assertion against it, but the license of the petitioner has also been suspended, which is contrary to sub-Rule (1) of Rule 66.

9. The learned counsel for the petitioner submits that the petitioner has already given its response to the impugne notice cum order. A copy of the response/reply dated 21.09.2026 of the petitioner is produced as Annexure-C to the writ petition.

10. Having regard to the aforementioned, the impugned notice cum order dated 19.09.2026 shall be read only as a Show



Cause Notice and in addition to the reply dated 21.09.2026, the petitioner shall be permitted to file an additional reply, if any, on or before 08.10.2026, consequent to which, the concerned authorities shall pass appropriate orders in accordance with law.

11. In this context, it is also pertinent to note that Rule 66 of the Rules enables the authority to either suspend or cancel the license wholly or in part. The said aspect of the matter is also required to be considered by the authorities while taking further steps in accordance with law.

12. Till further action is taken by the concerned respondents, the petitioner shall be permitted to carry on its business, in accordance with law except for dealing with, "Zavicefta and Emblaveo Injection".

13. This order shall in no manner preclude the concerned authorities from taking further steps/measures in accordance with law. Needless to say, the petitioner shall co-operate with the concerned authorities in any action taken in accordance with law.



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14. The writ petition is disposed of in the aforementioned terms.

15. Pending IAs., if any, stand disposed of.

Digitally Signed by CHEPPUDIRA
MONNAPPA POONACHA

(C.M. POONACHA)
JUDGE

VMB
List No.: 1 Sl No.: 60