
MAHARASHTRA DRUGS (CONTROL) APPEAL RULES, 1962

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MAHARASHTRA DRUGS (CONTROL) APPEAL RULES, 1962

WHEREAS the Government of Maharashtra considers that the following Rules should be brought into force at once : Now, therefore, in exercise of the powers conferred by clause (e) of sub-section (2) of Section 40 of the Bombay Drugs (Control) Act, 1959 (Bom. XI of 1960), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following Rules, namely :-

1. Short title :-

The rules may be called the Maharashtra Drugs (Control) Appeal Rules, 1962.

2. Form and content of appeals :-

(1) Every appeal under Section 32 of the Act shall be made in the form of a petition addressed to the authority to whom the appeal lies and shall be drawn up in concise and intelligible language, and shall bear the signature or mark of the appellant or of his duly authorised agent and shall also bear the court-fee stamp of the requisite amount * [fixed under clause (b) of Article 13 in Schedule II to the Bombay Court-fees Act, 1959.

(2) The petition of appeal shall contain the following particulars, that is to say :-

(i) The name, father's name, occupation and place of residence or address of the appellant ;

(ii) The name and address of the petitioner ;

(iii) The date of the order appealed against ;

(iv) A brief and precise statement of the facts ; and

(v) The grounds of objection to the order appealed against.

(3) The petition of appeal shall be accompanied by the order appealed against in original or an authenticated copy thereof, unless the omission to produce such order or its copy, as the case may be, is explained at the time of the presentation of the petition of appeal to the satisfaction of the appellate authority.

3. Presentation of appeal :-

The petition of appeal shall either be presented to the appellate authority by the appellant or his agent or be forwarded to such authority by registered post.

4. Rejection of appeals :-

(1) If, the petition of appeal does not comply with the requirements of Rules 2 and 3, it may summarily be rejected:

Provided that no appeal shall be rejected under this sub-rule unless the appellant is given such opportunity, as the appellate authority thinks fit, so as to enable him to comply with the requirements of the said rules.

(2) An appeal may also be rejected on other grounds shall be reduced to writing by the appellate authority :

Provided that before an order rejecting an appeal under this sub-rule is passed, the appellant shall be given reasonable opportunity of being heard.

5. Date of hearing of appeal :-

If the appellate authority does not reject the appeal under Rule 4, it shall fix a date of hearing the appellant or his agent.

(2) The appellate authority may, at any stage, adjourn the hearing of an appeal to any other date.

(3) If on the date fixed for hearing or any other date to which the hearing may be adjourned, the appellant does not appear before the said authority either in person or through an agent, the said authority may dismiss the appeal or may decide it ex-parte as it thinks fit.

6. Notice to person likely to be affected adversely :-

Before an appellate authority passes any order in appeal, likely to affect any person adversely, it shall send to such person a notice and give such person a reasonable opportunity of being heard.

7. Supply of copy of order to appellant and officer concerned :-

A copy of the order passed in appeal shall be supplied free of cost to the appellant or the person affected thereby, and another copy shall be sent to the Officer whose order forms the subject matter of the appeal.