

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.2127 of 2009

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TUTON PHARMACEUTICALS

Versus

UNION OF INDIA & ANR.

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Appearance :MR BIJAL CHHATRAPATI WITH MR SIDDHARTH SINHA FOR J SAGAR
ASSOCIATES for the Petitioner.

MR HARSHEEL D SHUKLA for the Respondents.

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CORAM:**HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 18/08/2026

ORDER

On 5.8.2026, this Court has passed the following
order :-

“1. Heard learned Senior Advocate Mr. Mihir Thakore, assisted by learned advocates Mr. Bijal Chhatrapati and Mr. Siddharth Sinha, appearing for the petitioner and instructed by J. Sagar Associates, and learned Central Government Counsel Mr. Harsheel Shukla appearing for the respondents.

2. Arguments are concluded.

3. Learned advocate Mr. Bijal Chhatrapati and learned Central Government Counsel Mr. Harsheel Shukla state that their written submissions shall be tendered before this Court on or before 11.08.2026. Since the arguments have concluded, the matter is

‘Reserved for Judgment’.”

2. After the aforesaid order was passed, learned advocate Mr. Chhatrapati has already tendered his written submission, whereas learned Central Government Standing Counsel Mr. Harsheel Shukla has submitted that in view of the fact that the written submissions prepared by him were sent for vetting and the same is received today only, he will file the same latest by 21.8.2026.

3. The present petition is listed today for the reason that a note is filed by the advocate for the petitioner which reads as under:-

“Sub: Before the Hon'ble Gujarat High Court
Special Civil Application No. 2127 of 2009
Tuton Pharmaceuticals Vs Union of India and Anr.

**NOTE FOR PLACING THE MATTER BEFORE
THE HON'BLE COURT**

Upon completion of arguments on 05.08.2026, the subject matter has been reserved for judgment before Hon'ble Mr. Justice Nirzar S. Desai.

In the meantime, an inadvertent minor error in the prayer clause has come to our notice. The Petition challenges Annexures M and O, which are communications of provisional demands. Annexure-Q, which is the final demand, has inadvertently been omitted from the prayer clause. We propose to

request the Hon'ble Court to rectify the afore stated inadvertent error.

The matter was mentioned on 12.08.2026 before the Hon'ble Court for this purpose.

Kindly therefore place the matter before the Hon'ble Court (Coram: Mr. Justice Nirzar S. Desai) along with this note, on Friday i.e.14.08.2026.”

4. In view of the above note which would indicate that at the time when the petition was filed, in the prayer clause, though the petitioner had challenged the orders produced at Annexures M & O, due to oversight, the petitioner could not challenge the order produced at Annexure Q which is part of the petition.

5. Therefore, when the matter is listed for orders today, I have heard learned advocate Mr. Bijal Chhatrapati for the petitioner and learned Central Government Standing Counsel Mr. Harsheel Shukla only on the issue of whether Mr. Shukla has any reservation if the proposed draft amendment is to be granted by the Court or not.

6. In view of the fact that by way of draft amendment, the petitioner wants to challenge the order at Annexure Q, which is a consequential order to the orders which are produced at Annexures M & O, learned advocate Mr. Harsheel Shukla though opposed the draft amendment, ultimately left it to the Court.

7. Considering the fact that Annexure Q is an order dated

28.11.2008 which is in a way consequential order to the earlier orders which are produced at Annexures M & O, the amendment as prayed for is granted. To be carried out forthwith.

Rest of the contents of the order dated 5.8.2026 shall remain the same as the matter has not been argued today and the same was already kept reserved for judgment vide order dated 5.8.2026.

(NIRZAR S. DESAI,J)

SAVARIYA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RAJNISH NARENDRA SAVARIYA(HC00179), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 18/08/2026 17:10:57