



2026:DHC:4640



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment Delivered on: 23.05.2026*

+ **W.P.(C) 5378/2026 & CM APPL. 26305/2026**

GURUKUL INSTITUTE OF MEDICAL SCIENCEPetitioner

versus

PHARMACY COUNCIL OF INDIA

.....Respondent

Advocates who appeared in this case

For the Petitioner : Mr. Sanjay Sharawat, Senior Advocate with Mr. Mayank Manish, Mr. Ravi Kant, Mr. Vineet Upadhyay & Mr. Ayush Aanand, Advocates.

For the Respondent : Mr. Ajay Kumar Singh and Mr. Divyansh Singh, Advocates.

**CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA**

JUDGMENT

TEJAS KARIA, J

INTRODUCTION

1. The present Petition has been filed under Article 226 of the Constitution of India, 1950 (“**Constitution**”) seeking directions against the Respondent, Pharmacy Council of India (“**PCI**”), in relation to the Petitioner-Institution’s application for extension of approval for its D. Pharm course for the academic session 2026-27.

2. The present Petition concerns the payment of Pharmacy Education Regulatory Charges (“**PERC**”) by the Petitioner-Institution in connection



with its application for extension of approval for the D. Pharm course for the academic session 2026–27, and the consequent non-processing of the Petitioner-Institution’s Standard Inspection Form (“SIF”) by the Respondent.

SUBMISSIONS ON BEHALF OF THE PETITIONER

3. The learned Senior Counsel for the Petitioner made the following submissions:

- 3.1. The PCI was constituted under the Pharmacy Act, 1948 (“Act”) and, since its inception, has been regulating the field of pharmacy education in the country. In terms of the Act and the Rules and Regulations framed thereunder from time to time, the PCI is empowered to grant or refuse approval to institutions seeking to establish pharmacy institutions or impart pharmacy education.
- 3.2. By email dated 30.06.2023, the PCI communicated its decision granting recognition to the Petitioner-Institution for conducting the D. Pharm course with an approved annual intake of 60 students commencing from the academic session 2023–24.
- 3.3. On 02.02.2024, the Petitioner-Institution submitted the SIF seeking extension of approval for its D. Pharm course for the academic session 2024–25 and also sought approval for the new B. Pharm course. In connection therewith, the Petitioner-Institution paid ₹1,00,000/- (excluding GST) towards its existing D. Pharm course and ₹6,00,000/- (excluding GST) towards the newly applied B. Pharm course.



- 3.4. Thereafter, the PCI processed the Petitioner-Institution's application and, by letter dated 24.09.2024, granted extension of approval for the existing D. Pharm course for the academic session 2024–25. However, no communication was issued in respect of the B. Pharm course, and the said application continued to remain pending with the PCI.
- 3.5. Thereafter, pursuant to the PCI inviting applications, *inter alia*, for grant of approval and extension thereof for the academic session 2025–26, the Petitioner-Institution submitted an application seeking extension of approval for its D. Pharm course for the said academic session, while simultaneously seeking closure of the pending application in respect of the B. Pharm course. However, the PCI application module was structured in such a manner that, unless the applicant selected payment of PERC for both / all existing courses, the payment tab would not be activated for submission of the PERC. Consequently, the Petitioner-Institution was unable to make the payment within the prescribed period.
- 3.6. The Petitioner- Institution tried to resolve the aforesaid issue with the PCI *vide* various emails sent during the period from May 2025 to September 2025. However, the PCI did not enable the Petitioner- Institution to make the payment of PERC only in respect of D. Pharm course, and constrained the Petitioner- Institution to file W.P. (C) No.13669/2025 before this Court, praying as under:



“(a) issue a writ of mandamus directing the respondent to provide an online link to the petitioner institution enabling it to submit its PERC fee for Extension of Approval for D. Pharm for academic session 2025-2026; and

(b) Issue a writ of mandamus directing the respondent to refund the PERC FEE amounting to Rs. 6,00,000/- deposited with the respondent for B. Pharm course.”

3.7. W.P. (C) No.13669/2025 of the Petitioner-Institution was listed on 15.09.2025, when this Court passed the following interim order in the matter:

“2. The notice in the present petition was issued by this Court vide order dated 10.09.2025. Insofar as prayer in clause (b) is concerned, Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the PCI submits that he will be filing a short affidavit in that behalf.

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4. In regard to the prayer in clause (a), Mr. Singh submits that the payment link for deposit of payment towards the extension of approval of D. Pharm course for the Academic Session 2025-2026 will be provided to the petitioner institute within a period of two days.

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6. Needless to state that after the deposit of payment by the petitioner institute, the respondent/PCI will consider the institute’s application for extension of approval on or before 30.09.2025 under the heading of ‘Appeal cum Compliances’.”

3.8. Accordingly, in terms of the aforesaid order, the Petitioner-Institution remitted the PERC in respect of the D. Pharm course for the academic session 2025–26, which payment was accepted and processed by the PCI. Consequently, the PCI granted extension of approval to the Petitioner-Institution for



the D. Pharm course for the academic session 2025–26 *vide* decision letter dated 29.09.2025.

- 3.9. Insofar as the academic session 2026–27 is concerned, the PCI issued a circular dated 17.12.2025 inviting applications, together with the requisite PERC, for the said academic session, which were required to be submitted on or before 31.10.2025, which date was thereafter extended up to 10.11.2025 and 15.11.2025 *vide* PCI circulars dated 31.10.2025 and 10.11.2025, respectively.
- 3.10. Accordingly, on 12.11.2025, the Petitioner-Institution submitted its application to the PCI seeking extension of approval for its D. Pharm course for the academic session 2026–27 and also remitted the PERC of ₹1,18,000/- towards processing of the said application *vide* transaction ID-IDIBN52025111216907181 dated 12.11.2025.
- 3.11. However, on 16.11.2025, upon checking the portal, the Petitioner-Institution found that, as per the receipt available thereon, the payment status continued to be reflected as pending. Consequently, on 16.11.2025, the Petitioner-Institution lodged a grievance on the PCI portal stating that, despite remittance of the PERC, the portal continued to display the payment status as pending. The Petitioner-Institution thereafter also raised grievances on the portal on 10.02.2026 and 09.03.2026.
- 3.12. Despite the notifications / grievances submitted on the portal, the PCI did not respond. The Petitioner-Institution therefore,



vide email dated 11.02.2026, requested the PCI to verify the payment and update the payment status on the portal so that the application could be processed further.

- 3.13. The aforesaid request was reiterated by the Petitioner-Institution *vide* various emails, including emails dated 21.02.2026, 27.02.2026, 04.03.2026, 09.03.2026, 17.03.2026, 26.03.2026, 04.04.2026, 06.04.2026, 09.04.2026, 13.04.2026 and 16.04.2026. However, the PCI neither responded to any of the said emails nor updated / verified the status of the payment made by the Petitioner-Institution. By that stage, a considerable period had elapsed.
- 3.14. However, on the evening of 16.04.2026, the accounts section of the Petitioner-Institution, while carrying out a routine verification, noticed that the fee / amount remitted by the Petitioner-Institution on 12.11.2025 towards processing of its application for the academic session 2026–27 had been credited back to the Petitioner-Institution’s bank account on 14.11.2025 for reasons unknown. No message or notification in this regard was received from the PCI.
- 3.15. Immediately thereafter, on 17.04.2026, representatives of the Petitioner-Institution visited the office of the PCI in an effort to seek a resolution to the issue. However, no satisfactory response or resolution was provided by the PCI.
- 3.16. Since the Petitioner-Institution had in fact initiated payment of the PERC towards processing of its application for extension of approval of the D. Pharm course, it cannot be suggested that the



Petitioner-Institution was unwilling to make such payment to the PCI. Further, sufficient funds were available with the Petitioner-Institution and, therefore, at no stage can the non-submission of the PERC be attributed to any *mala fide* intention on the part of the Petitioner-Institution.

- 3.17. Upon becoming aware that the payment status was reflecting as pending / unpaid, the Petitioner-Institution addressed various email communications to the PCI requesting verification of the payment and updation of the payment status on the web portal. However, the PCI paid no heed to the said requests. Had the PCI responded and verified / updated the payment status, the Petitioner-Institution would have been in a position to rectify the issue at a much earlier stage, namely in February 2026 when it first approached the PCI in this regard. The Petitioner-Institution's application ought not to have remained unprocessed by the PCI merely on account of a procedural irregularity.
- 3.18. In a matter involving the issue of grant of approval and affiliation by the regulatory authority and affiliating bodies respectively, the Supreme Court in ***Parashavanath Charitable Trust and Ors. v. All India Council for Technical Education and Ors***, (2013) 3 SCC 385, laid down the schedule for approval by the regulatory authority, affiliation by the affiliating University / State body, and also for counselling and admission of students. *Vide* the said schedule, the Supreme Court fixed the cut-off date for grant of approval by the PCI as 30th April, for grant of affiliation by affiliating body(ies) as 15th



May, and for admission of students up to 15th August of the concerned academic year / session. In peculiar circumstances, the said schedule has been relaxed / extended by the Supreme Court from time to time and session to session.

- 3.19. However, PCI approached the Supreme Court by filing M.A. No. 711/2025, wherein time was granted for completion of approval process by PCI up to 31.08.2025 and for appeals / compliances process up to 30.09.2025 for the academic session 2025-26 with a further extension of the completion of the counselling process up to 30.10.2025.
- 3.20. Since the PCI was approaching the Supreme Court in almost every academic session seeking extension of time for disposal of applications made before it, the PCI, by filing M.A. No.1409/2025 in ***Parashavanath Charitable Trust (supra)***, proposed a new schedule containing timelines for making applications by concerned institutions and for disposal thereof by the PCI for the relevant academic session. The Supreme Court *vide* its order dated 08.09.2025 in ***Parashavanath Charitable Trust (supra)***, accepted the said schedule proposed by the PCI, as per which the PCI is required to process and decide an application made before it on or before 30.04.2026, in respect of the academic session 2026-27.
- 3.21. The present case is not one of non-submission of payment of PERC by the Petitioner-Institution. The same was neither deliberate nor intentional, as the Petitioner-Institution had made the payment through the proper channel, on 12.11.2025.



- 3.22. Being the apex regulatory authority, the PCI is under an obligation to facilitate the Petitioner-Institution in the discharge of its statutory obligations. However, despite the issue having been raised by the Petitioner-Institution, the PCI remained inactive for more than two months and failed to respond to any of the emails addressed by the Petitioner-Institution in relation to the payment status. The said emails were specifically confined to the issue of payment status and did not pertain to the substantive processing of the application.
- 3.23. The Petitioner-Institution is duly approved by the PCI to conduct the D. Pharm course and, for that purpose, continues to employ academic as well as non-academic staff and incur recurring expenditure towards management and maintenance. If the PERC, which was inadvertently left unpaid, is not accepted by the PCI, the Petitioner-Institution's application seeking extension of approval for the said D. Pharm course for the ensuing academic session 2026–27 would remain unprocessed, thereby causing grave prejudice not only to the Petitioner-Institution but also to the students studying therein and the teaching staff engaged thereat.
- 3.24. The Petitioner-Institution has invested substantial time and effort in conducting the pharmacy courses and also fulfils the prescribed requirements in accordance with the applicable norms. Further, being an already operational institution, it attracts considerable interest from local aspiring students who seek admission on account of the Petitioner-Institution's



standing and reputation. At this stage, however, the Petitioner-Institution is unable to satisfactorily address queries relating to admissions.

- 3.25. This Court has repeatedly observed that an institution's application should not remain pending before the PCI merely because of a *procedural irregularity*, nor can such an irregularity, by itself, justify rejection by the regulatory authority. The focus must be on securing compliance with the applicable rules and regulations rather than on closure of the institution. In cases where an institution was unable to submit its application for extension of approval, this Court has directed the PCI to take appropriate steps, including reopening the portal. This Court has also held that the PCI must clearly identify and communicate any deficiencies to the concerned institution, so that it may take recourse in accordance with law.
- 3.26. In certain circumstances, the acceptance of fee / documents even after the notified date for submission of the application is a matter entirely internal to and within the complete administrative control of the PCI. Being the apex regulatory authority, the PCI is not required to obtain prior permission from any other authority or body in that regard. It is also relevant that the PCI is already in possession of a sum of ₹6,00,000/- paid towards the B. Pharm course application, which remains unprocessed for the academic session 2025–26.
- 3.27. If appropriate directions are not issued to the PCI and the Petitioner-Institution is not permitted to submit the requisite fee



for processing of its application seeking extension of approval for the D. Pharm course for the academic session 2026–27, the Petitioner-Institution would suffer undue and irreparable academic loss, financial prejudice, reputational injury, and grave hardship.

SUBMISSIONS ON BEHALF OF THE RESPONDENT

4. The learned Counsel for the Respondent made the following submissions:

- 4.1. Unless the PERC is duly paid, the SIF cannot be treated as validly submitted, since payment of the PERC constitutes an integral component of the SIF. The Respondent has no independent mechanism to ascertain whether an institution has merely attempted payment of the PERC and can only determine whether the institution has validly filed the SIF upon successful realisation of the PERC. Consequently, unless the PERC is successfully paid, the SIF remains incomplete.
- 4.2. The Respondent's portal does not display unsuccessful or incomplete payment transactions relating to the SIF. Since the Petitioner-Institution did not validly pay the PERC, its SIF was not reflected on the Respondent's portal as having been submitted. Accordingly, the Respondent issued a communication dated 17.11.2025 calling upon the Petitioner-Institution to furnish, through the Respondent's portal alone, a reasonable explanation together with documentary proof as to why it had not applied for continuation of approval for the academic session 2025–26.



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- 4.3. Although the Petitioner-Institution attempted payment of the PERC, it ought to have verified whether the amount had been successfully debited and whether the same had subsequently been reverted to its bank account. In absence of payment, the SIF had not been validly submitted.
- 4.4. The Petitioner-Institution did not raise any formal grievance or complaint through the prescribed grievance redressal mechanism and merely submitted notifications on the Respondent's portal. Such notifications operate distinctly from grievances or complaints within the functioning of the Respondent's portal and can be submitted only upon valid submission of the SIF.
- 4.5. Since the Petitioner-Institution had not validly paid the PERC, the SIF itself was not submitted and, consequently, the Respondent could not have acted upon the notifications submitted by the Petitioner-Institution. The Respondent can take notifications on record only after submission of the SIF and, in the absence thereof, no notification could be entertained. Grievances pertaining to technical glitches are separately dealt with by the IT Department managing the Respondent's portal.
- 4.6. As regards the email sent by the Petitioner-Institution bearing the subject "*PCI SIF payment details*", stated to have been received by the Respondent on 16.11.2025, the Respondent's Rules specifically provide that grievances are not to be entertained through notifications or emails and that all grievances are required to be submitted strictly through the



grievance redressal mechanism provided on the Respondent's portal.

- 4.7. The Supreme Court, *vide* order dated 06.02.2026 passed in M.A. No. 220 of 2026 filed in ***Pharmacy Council of India v. State of Delhi & All India Council for Technical Education (AICTE)***, directed reopening of the Respondent's portal for the academic session 2026–27 for all existing pharmacy institutions up to 27.02.2026. Pursuant thereto, the Respondent issued a communication dated 10.02.2026 requesting pharmacy institutions to submit the SIF on or before 27.02.2026. Since the aforesaid timeline has already expired, no further indulgence can now be granted to the Petitioner-Institution and the present Petition is, therefore, liable to be dismissed.

ANALYSIS AND FINDINGS

5. The principal issue which arises for consideration before this Court is whether, in the peculiar facts and circumstances of the present case, the Petitioner-Institution made the payment of PERC within time and if the application seeking extension of approval for the D. Pharm course for the academic session 2026-27 ought to be considered.

6. It is the case of the Petitioner-Institution that it had, within the prescribed timeline, initiated payment of the requisite PERC amounting to ₹1,18,000/- on 12.11.2025 and submitted the SIF on the Respondent's portal. According to the Petitioner-Institution, since the amount stood debited from its bank account on 12.11.2025, it remained under a *bona fide* impression that payment of the requisite PERC had been successfully processed and that the SIF stood duly submitted.



7. *Per contra*, it is the case of the Respondent that unless the PERC is successfully received and reflected on its portal, the SIF cannot be treated as validly submitted. According to the Respondent, since payment of the PERC was not successfully processed and the amount stood reverted to the Petitioner-Institution's bank account on 14.11.2025, no valid SIF came to be filed within the prescribed timeline.

8. There can be no cavil with the proposition advanced on behalf of the Respondent that payment of the PERC constitutes an integral component of a valid submission of the SIF. At the same time, the material placed on record demonstrates that the Petitioner-Institution had generated the challan, initiated the transaction within the prescribed time, and had sufficient funds in its bank account to honour the payment of the PERC.

9. The Petitioner-Institution has also placed on record communications addressed to the Respondent seeking updation and verification of the payment status of the PERC on the Respondent's portal. Significantly, despite such communications, there is nothing on record to indicate that the Respondent ever informed the Petitioner-Institution that the PERC transaction had failed or that the amount towards the PERC had not been received by the Respondent.

10. The contention of the Respondent that the Petitioner-Institution ought to have independently verified reversal of the amount in its bank account also does not wholly absolve the Respondent of its obligation to act reasonably. Although the Petitioner-Institution was expected to have exercised greater diligence in monitoring its bank transactions, the record shows that it had sufficient funds, had initiated payment within the prescribed timeline, and continuously pursued the matter with the



Respondent under a *bona fide* impression that the payment was under process. The facts of the present case do not disclose any lack of intent or *bona fides* on the part of the Petitioner-Institution.

11. It is true that, pursuant to the order dated 06.02.2026 passed by the Supreme Court in *All India Council for Technical Education (AICTE) (supra)*, the Respondent reopened its portal till 27.02.2026 for submission of SIFs by existing pharmacy institutions. However, the facts of the present case are distinguishable from cases involving complete non-submission of applications or conscious disregard of prescribed timelines. In the present case, a *bona fide* attempt was made on the part of the Petitioner-Institution to comply with the prescribed procedure within the prescribed time. In such circumstances, a hyper-technical approach to a curable procedural defect would defeat the ends of substantial justice.

12. There is also no merit in the Respondent's contention that, since no valid SIF existed on its portal, there was no requirement to consider the communications addressed by the Petitioner-Institution. Even assuming the Respondent's case that the SIF was not treated as submitted due to non-realisation of the PERC, the record shows that the Petitioner-Institution had repeatedly communicated regarding the status of the PERC payment and had sought verification in that regard. These communications, being directly connected with the payment status forming the basis of the controversy, were available with the Respondent at the relevant time. In such circumstances, denying consideration of extension of approval for the D. Pharm course on account of a curable procedural defect was not justified.



13. Considering that the Petitioner-Institution is already conducting the D. Pharm course pursuant to approvals granted by the Respondent in earlier academic sessions, denial of consideration of the Petitioner-Institution's application at this stage on hyper-technical grounds may adversely affect existing students as well as the academic functioning of the institution. While the prescribed timelines are required to be adhered to, the same cannot be applied in a manner that results in undue prejudice in a case where the record reflects a *bona fide* conduct on part of the Petitioner-Institution for attempting compliance within the prescribed timeline.

14. In the peculiar facts of the present case, if the Petitioner-Institution is permitted to deposit the requisite PERC for completing the SIF process would not cause any prejudice to the Respondent, particularly when the Petitioner-Institution had already made the payment within the prescribed timeline, however due to technical issues beyond the control of the Petitioner-Institution, the payment was remitted back. Although the Petitioner-Institution ought to have been more vigilant, the conduct of continuously pursuing the issue relating to updating and verification of the PERC payment status with the Respondent shows that there was no intention on part of the Petitioner-Institution not to pay PERC.

15. Accordingly, considering the factual matrix, this Court is of the view that the Petitioner-Institution ought to be permitted to deposit the requisite PERC and complete the SIF process in the interest of justice and future of students who have already taken admission in D. Pharm course.

16. The Respondent is, accordingly, directed to reopen its portal before 28.05.2026 and inform the Petitioner-Institution in writing. The Respondent shall thereafter keep the portal operational for a period of three days to



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enable the Petitioner-Institution to deposit the requisite PERC and complete submission of the SIF seeking extension of approval for the D. Pharm course for the academic session 2026-27.

17. Upon such payment and completion of submission of the SIF by the Petitioner-Institution within the aforesaid period, the Respondent shall process the Petitioner-Institution's SIF in accordance with law and take an appropriate decision thereon within a week.

18. It is clarified that this Court has not expressed any opinion on the merits of the Petitioner-Institution's entitlement to grant or refusal of extension of approval for the D. Pharm course for the academic session 2026-27, which shall be independently considered by the Respondent in accordance with the applicable Law, Rules and Regulations.

19. The present Petition is disposed of in the aforesaid terms. Pending applications, if any, shall also stand disposed of.

TEJAS KARIA, J

MAY 23, 2026

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