



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2979 OF 2026

SHAIKH ISMILE SHAIKH BABAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Choudhary Deelip Janardhanrao

AGP for Respondent Nos. 1 to 3 : Ms. Preeti Diggikar

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 18th AUGUST, 2026

PER COURT :

1. Heard the learned Advocate for the Petitioner.
2. The present Writ Petition is filed against the judgment and order dated 26.12.2025, passed by the Divisional Commissioner, Chhatrapati Sambhajinagar, in Appeal no. 145/2025, dismissing the Appeal and confirming the order dated 21.04.2025, passed by the Collector, Beed, rejecting the Application for renewal of fire crackers license dated 22.01.2019, with effect from 31.03.2025. The Petitioner was running a business of fire crackers on the basis of license issued by the Competent Authority since 1975 and 1983-1984 onwards as per the license issued to him under the Explosives Act, 1884 and the Rules framed thereunder.

3. It is submitted that when the license of the Petitioner was likely to be expire on 31.03.2025, the Petitioner filed an Application before Respondent no. 3 well in advance in the month of December, 2024 and requested the concerned Officer to supply the prescribed form to submit it for its renewal. The Petitioner has filed an Application on 05.03.2025, making a request that his license may be renewed as it has been renewed from time to time.

4. It is the contention of learned Advocate for the Petitioner that after the Application was filed by the Petitioner, report was called from the Superintendent of Police, Beed. After receiving the report dated 19.03.2025, the order dated 21.04.2025, has been passed cancelling the license of the Petitioner, although the Application was filed for renewal of license. According to the Petitioner, the said order has been passed without granting him any opportunity to be heard, only on the basis of the report of the Superintendent of Police. Being aggrieved by the said order, the Petitioner filed Appeal before the Divisional Commissioner, Aurangabad. However, even the said Appeal came to be rejected vide order dated 26.12.2025.

5. Learned Advocate for the Petitioner has drawn attention of this Court to the observations made in paragraph no. 3, more particularly, 3.1 of the order, wherein it is observed by the Divisional Commissioner

that the District Collector, while canceling the license has afforded an opportunity to the Petitioner which is contrary to the record. The office noting of the Home Department are placed on record which categorically mentions that the opportunity of hearing is necessary to be given before suspension or cancellation of license. In spite of such noting no opportunity of hearing is extended to this Petitioner. TThe order has been passed by the Collector on 21.04.2025, without granting any opportunity to the Petitioner.

6. Per contra, learned AGP appearing for the State submits that on the basis of the report received from the Deputy Superintendent of Police, Beed, and other relevant documents, the Authority i.e. the Collector has to come to the conclusion that it is not advisable to renew the license of the Petitioner and the same is liable to be cancelled, considering serious irregularities found in the report of the Superintendent of Police, Beed. There was likelihood of loss of human life and other dangers if the license was renewed. The order is passed in public interest.

7. I have heard the learned respective Advocates appearing for the parties and also gone though the orders passed by the Collector as well as the Divisional Commissioner.

8. Upon perusal of the office noting of the Home Department,

it is evident that the Department was aware that an opportunity of hearing is necessary before cancellation or suspension of license of an individual. Accordingly, a noting is made that the license holder needs to be given an opportunity as provided under Section 118 and Rules made under the Explosives Act, 2008, which reads thus :

“118. Suspension and revocation or cancellation of licence.

(1) Every licence granted under these rules shall-

(I) stand cancelled, if-

(a) the licensee has ceased to have any right for the lawful possession over the licensed premises;

(b) the licensee is convicted and sentenced under any criminal offences or ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974), a bond for keeping peace for good behaviour.

(II) stand cancelled, if the no-objection certificate is cancelled by the authority issuing the same or District Magistrate or the State Government in accordance with rule 115.

(III) be liable to be suspended or cancelled by an order of the licensing authority for any contravention of the Act or these rules or of any condition contained in such licence, or by order of the Central Government, if it is satisfied that there are sufficient grounds for doing so: Provided that before suspending or cancelling a licence under this rule, the holder of the licence shall be given an opportunity of being heard.

(2) The suspension or cancellation shall take effect from the date specified therein.

(3) An order of suspension or revocation of a licence shall be deemed to have been served if sent by post to the address of the licensee entered in the licence.

(4) The suspension of a licence shall not debar the holder of the licence from applying for the renewal.

(5) Notwithstanding anything contained in sub-rule (1), an opportunity of being heard may not be given to the holder of the licence before his licence is suspended or cancelled in cases-

(i) where the licence is suspended by a licensing authority as an interim measure for violation of any of the provisions of the Act or these rules or of any conditions contained in such licence and in his opinion such violation is likely to cause imminent danger to the public:

Provided that where a licence is so suspended, the licensing authority shall give the holder of the licence an opportunity of being heard before the order of suspension is confirmed; or

(ii) where the licence is suspended or cancelled by the Central Government, if that Government considers that in the public interest or in the interest of the security of the State, such opportunity should not be given.

(6) A licensing authority or the Central Government suspending or cancelling a licence shall record its reason for so doing in writing.”

9. Upon going through the said provision, it is evident that before suspending or cancelling the license under this Rule, a holder of license is required to be given an opportunity of hearing. The Petitioner was already holding a license, which was sought to be renewed by making an application for renewal. In such circumstances, when the

Authority had come to the conclusion that the license needs to be canceled, it was incumbent on the Authority to give opportunity to the Petitioner by following principles of natural justice. The factual position that opportunity of hearing is not given to the Petitioner is not disputed. Therefore, considering the Rule 118 of the Explosives Act, the mandatory procedure requiring the Competent Authority to grant opportunity of hearing was not followed, which makes the order non est. Even while deciding the Appeal, the Divisional Commissioner has wrongly proceeded on the assumption that the opportunity of hearing was given to the Petitioner, which is contrary to the noting of the Home Department. Thus, in view of the irregularities in the proceedings the impugned orders are required to be set aside, by remanding the matter back to the Collector, Beed, to grant an opportunity of hearing to the Petitioner.

10. Hence, the Writ Petition is allowed by setting aside the order dated 21.04.2025, passed by the Collector as well as order passed by the Divisional Commissioner dated 26.12.2025.

11. The matter is remanded back to the Collector for passing fresh orders by granting opportunity of hearing to the Petitioner on its own merits.

12. Apart from oral submissions, the Petitioner is also permitted to place on record the documents which are necessary for appropriate adjudication.
13. With the aforementioned directions, the Writ Petition stands disposed of.

(MANJUSHA DESHPANDE, J.)