

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2340 OF 2015

Smt. Prema Ravindra Chaudhari .. Petitioner
VS.
The State of Maharashtra & Ors. .. Respondents

Mr. D. B. Savant for Petitioner.
Ms P. S. Cardozo – AGP for Respondents – State.

CORAM : M. S. SONAK, J.
DATE: 05 MARCH 2015

P.C. :-

1] This petition challenges the order dated 11 December 2014 made by the Assistant Commissioner of Police cancelling the PPEL licence issued to the petitioner under the provisions of the Bombay Police Act, 1951.

2] The learned counsel for the petitioner states that an appeal has been instituted against the said decision before the Principal Secretary (Home). However, the same has not been taken up for consideration, even with regard to the prayer for interim relief.

3] The learned counsel for the petitioner admits that though show cause notice was issued to the petitioner, on account of miscommunication between the petitioner and his Manager, the

same was not replied to. Accordingly, though the petitioner was granted an opportunity, the petitioner could not avail the same. The learned counsel for the petitioner submits that in case a fresh opportunity of filing a reply and hearing is granted to the petitioner, then for a period of four weeks, the petitioner will not sell / serve any liquor in terms of the PPEL licence. In the meanwhile, the Assistant Commissioner of Police could be directed to dispose of the show cause notice issued to the petitioner.

4] The submission made by the learned counsel for the petitioner is reasonable. Accordingly, the petitioner is directed to file reply to the show cause notice latest by 12 March 2015 in the office of the Commissioner of Police (East Division) Bhiwandi. The said Authority shall thereafter afford personal hearing to the petitioner or his authorised representative latest by 24 March 2015. Thereafter, the said Authority to take a decision in the matter by 5 April 2015. Such decision shall be taken without being influenced by any of the observations made in the order dated 11 December 2014.

5] In case, the Authority is satisfied that the cause is shown, appropriate order may be made disposing of the show cause notice and, if necessary, recalling the impugned order dated 11 December 2014. It is clarified that until such final decision is taken by the

Authority, the petitioner shall not avail benefits of the licence, which has since been cancelled.

6] This petition is disposed of with the aforesaid observations and directions. It is clarified that this Court has not gone into the merits of the matter.

7] Petition is disposed of accordingly.

8] All parties to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

Chandka