

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION [STAMP] NO.10381 OF 2015

Dilip Jamnadas Giyanani

..Petitioner

Versus

The State of Maharashtra
and others.

..Respondents

....

Mr. Charanjeet Chanderpal, Advocate for the Petitioner.

Ms. Gauri Rao, AGP, for Respondent Nos.1, 7 and 9.

Mr. H.N. Vakil a/w. P. S. Daru i/b. Mulla & Mulla & CBC for
Respondent No.4.

....

CORAM : V. M. KANADE, &
A.R. JOSHI, JJ.

DATE : APRIL 17, 2015

P.C.

1. Heard the learned Counsel appearing for the petitioner
and the learned Counsel appearing for the respondents.

2. The petitioner is aggrieved by the order passed by the
Commissioner of State Excise dated 6th April, 2015. It is submitted
that the order has been passed exparte without hearing the
petitioner. It is submitted that when enquiry was made, the copy of
the order was not made available to the petitioner and, therefore,

the petitioner did not file an appeal against the said order before the Minister of Excise under Section 138 of the Maharashtra Prohibition Act.

3. In our view since the impugned order has been passed exparte, it would be appropriate if the Commissioner of State Excise gives hearing to the petitioner and decides his application for vacating the interim order on merits and in accordance with law. We accordingly direct the Commissioner of State Excise to decide the petitioner's application for vacating the interim order expeditiously and preferably within a period of three weeks from receipt of copy of this order. Liberty to apply is granted. Application may be decided in accordance with law after giving an opportunity to the petitioner to make his submissions and submit documents if necessary. With these directions, the Petition is disposed of.

(A. R. JOSHI, J.)

(V.M. KANADE,J.)

Deshmane, (P.S.)