

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1792 OF 2014
IN
WRIT PETITION NO. 11082 OF 2011

Mr. Nagraj N. Shetty & anr. .. Applicants
VS.
State of Maharashtra & ors. .. Respondents

Mr. D.B. Sawant for the Applicants.
Ms P.S. Cardozo, AGP for Respondent Nos.1 to 3.

CORAM : M. S. SONAK, J.
DATE : 27 JANUARY, 2015

P.C. :-

1] This Court, by its order dated 21 December 2011, had required the applicants/petitioners to deposit the amount of licence fees for the licensing year 2010-2011 in this Court and granted liberty to the petitioners to file a Revision Application under Section 138 of Bombay Prohibition Act, 1949 before the State Government.

2] There is no dispute that the petitioners have deposited an amount of Rs.91,67,975/- on 6 January 2012 before this Court and the same has since been invested. There is also no dispute that the amount so deposited was to abide by the orders to be made in the Revision Application before the State Government.

3] Learned counsel for the applicants/petitioners now points out that the Revision Application preferred by the petitioners was disposed of by the State Government by its order dated 28 November 2013. The impugned demand was set aside, but it was observed that any excess recovered by respondent No.3-Collector would be adjusted towards the renewal fees payable by the applicants/petitioners and its members for the future years. The applicants/petitioners have not challenged this direction.

4] So also the Superintendent of State Excise, who has filed an affidavit on behalf of respondent Nos.1 to 3 in this civil application, has stated that the amount deposited by the petitioner No.2 is towards the licence fees and renewal charges and that the said amount may be adjusted in future towards renewal of the licence fees. No doubt, the affidavit proceeds on the basis that the amount in-question has already come to the State Government as per the orders passed in the Revision Petition, when in fact, the factual situation is that the amount has been invested by the Registry of this Court, in pursuance of directions in the present petition.

5] Accordingly, this Civil Application can be conveniently disposed of by directing the Registry to forward the amount of

Rs.91,67,975/- alongwith interest that may have accrued thereon to The Superintendent State Excise Thane by challan under the head '*Other Receipt*' (Scheme Name 0039010101) Sub-Head 800. The respondents, shall adjust the said amount towards renewal and licence fees, as directed by the State Government in its order dated 28 November 2013, as also stated in the affidavit filed on behalf of respondent Nos.1 to 3 in this Civil Application.

6] The Registry and respondent No.3 are directed accordingly.

7] With the aforesaid directions, civil application is disposed of.

(M. S. SONAK, J.)

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