

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.6391 OF 2015**

**Tilakraj Ramswaroop Sharma**

**.. Petitioner**

**Versus**

**The Collector of Thane**

**State Excise Department and others**

**.. Respondents**

**Mrs. Veena Thadani, for the Petitioner.**

**Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 to 3.**

**Mr. Diwakar Tayshete i/by Mr. Santosh Patil, for the Respondent No.4.**

**CORAM : R.M. SAVANT, J.**

**DATE : 08<sup>th</sup> JULY, 2015**

**PC.**

1. The Writ Jurisdiction of this Court is invoked against the order dated 30.06.2015 passed by the Commissioner of State Excise, Maharashtra State, Mumbai, by which order the Appeal filed by the Respondent No.4 herein came to be allowed and a direction came to be issued to the Collector Thane to cancel Petitioner's licence permanently under which business is carried out in the name and style of Vasai Wines. It is required to be noted that the licence came to be transferred to the Petitioner from the original licensee on 09.10.2006 and the instant Appeal came to be filed on 14.07.2014 pursuant to a liberty granted by the State Government in a Revision filed in the year 2013 which Revision was

disposed of on 26.06.2014. The Petitioner had therefore raised an issue in respect of limitation in so far as the maintainability of the Appeal is concerned.

2. Be that as it may, it is not necessary for this Court to go into the said aspects in the above Petition. Against the impugned order passed by the Commissioner, State Excise, the Petitioner has a remedy by way of a Revision before the State Government under Section 138 of the Bombay Prohibition Act. Hence, by relegating the Petitioner to the said remedy, the above Petition can be disposed of. To facilitate the filing of the Revision Application and to obtain appropriate interim orders from the State Government the impugned order not to be given effect to for a period of three weeks from date. The Petitioner would be at liberty to apply for interim reliefs in the Revision Application that he proposes to file. If any such application for interim reliefs is filed, the same would be considered on its own merits and in accordance in law. With the aforesaid directions, the Writ Petition is disposed of.

**[R.M. SAVANT, J]**