

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8606 OF 2015**

M/s Krishna Bhel Puri House,
through its Proprietor Mr Peter
j.Lobo

Petitioner

Vs

1.State of Maharashtra and Ors.

.. Respondents

Mr. R.D.Soni i/b Shree & Co, Advocate for Petitioner.
Ms. M.S.Bane, A.G.P for Respondents.

CORAM : R.G.KETKAR,J.
DATE : 28/08/2015

PC:

1. Heard Mr. R.D.Soni, learned counsel for the petitioner and Ms.M.S.Bane, learned A.G.P for the respondents.

2. Rule. Ms. Bane waives service on behalf of the respondents.

At the request and by consent of the parties, Rule is made returnable forthwith and Petition is taken up for final hearing.

3. By this Petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 27.7.2015 passed by respondent no.4- Dy.Commissioner of Police H.Q.-I, Mumbai (Licensing Authority). By that order, premises/performance License is suspended for a period of 15 days.

4. It is not in dispute that aggrieved by that order, the petitioner has preferred Appeal on 4.8.2015 before the Principal Secretary, Home Department, State of Maharashtra, Mantralaya, Mumbai. The petitioner has also filed application for stay of the

impugned order.

5. Ms. Bane, upon taking instructions from Mr. Ashok Sharmale, Asstt. Inspector of Police, states that within eight weeks from today, the Appeal preferred by the petitioner shall be disposed of by respondent no.2, viz. Principal Secretary, Home Department. In view thereof, Petition is disposed of in the following terms.

(i) Respondent no.2-Principal Secretary, Home Department shall decide the Appeal within eight weeks from today.

(ii) During the pendency of the Appeal, the impugned order shall remained stayed. It is made clear that by granting stay to the impugned order, this Court has not expressed any opinion on merits of the case on either way. All the contentions of the parties on merits are expressly kept open.

(iii) In case, adverse order is passed by the Appellate Authority, the same shall not be given effect for a period of two weeks from the date of service of the same upon the petitioner.

(iv) Rule is made absolute in the above terms, with no order as to costs.

(R.G.KETKAR, J.)