

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

WRIT PETITION NO. 8594 OF 2015

Shri Ravindra Shivappa Gaikwad

Petitioner

Vs

The State of Maharashtra and
Ors

.. Respondents

Mr. D.B.Savant, Advocate for Petitioner.
Ms. M.S.Bane, A.G.P. for Respondents.

CORAM : R.G.KETKAR,J.
DATE : 26/08/2015

PC:

1. Heard Mr.D.B.Savant, 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 13.8.2015 passed by respondent no.3- Collector of Solapur, State Excise Department, Solapur. By that order, respondent no.3 suspended license, being FL-III No.212 for a period of six months from the date of the order.
4. It is not in dispute that aggrieved by this decision, the petitioner has preferred Appeal under section 137 of the Bombay Prohibition Act, 1949 before Honourable Commissioner of State

Excise, Maharashtra State, Mumbai and also filed application for stay of operation of the order dated 13.8.2015. On 21.8.2015, the petitioner moved the Appellate Authority for stay. On that day, in-charge Commissioner of State Excise took on record the Appeal filed by the petitioner and declined to grant stay on the ground that regular Commissioner of State Excise was on leave.

5. Ms.Bane, upon taking instructions, states that within eight weeks from today, the Appellate authority will decide the main Appeal itself. In view thereof, petition is disposed of in the following terms.

(i) Hon'ble Commissioner of State Excise, Maharashtra State, 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, 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.)