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

WRIT PETITION NO.8519 OF 2014

Mahesh Jagdish Pandey

... Petitioner

Vs.

State of Maharashtra and Ors.

... Respondents

Mr. Avinash Jalisatgi i/by Triveninath R. Yadav, for the Petitioner.
Mr. V.S. Gokhale, AGP, for the Respondent Nos.1 to 3.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 8th JANUARY, 2015

P.C.

. Heard the learned counsel appearing for the Petitioner and the learned AGP for the Respondents. We had kept back this Petition to enable the learned AGP to take instructions whether an opportunity of being heard was granted to the Petitioner before passing the order dated 9th December, 2011 by which the licence earlier granted to the Petitioner under the provisions of the Private Security Agencies (Regulation) Act, 2005 was revoked. On instructions of the concerned Officer, the learned AGP states that an opportunity of being heard was not granted to the Petitioner before revoking the licence.

2. This Court has already taken a view in the order dated 11th February, 2014 in Writ Petition No.7393 of 2013 (Maharashtra Protection and Investigation Force Pvt. Ltd. and another vs. State of Maharashtra and others) that in view of Sub-Section (4) of Section 13 of the said Act, before passing a drastic order of cancellation of licence, an opportunity of personal hearing must be granted to the licence holder. However, in the present case, it is an admitted position that the period of the licence which was revoked under the impugned order has come to an end on 8th September, 2014. Nevertheless, the impugned order will come in the way of the Petitioner if he applies for grant of a fresh licence.

3. Today, the Petitioner has tendered an affidavit on oath in which he has given an undertaking to apply for renewal of the licence. He has stated that he shall not carry on business in Maharashtra without obtaining a fresh licence or without obtaining renewal of the earlier licence. We accept the undertakings of the Petitioner.

4. Hence, we pass the following order :-

ORDER

- (i) The order dated 9th December, 2011 as well as the impugned communication dated 25th January, 2012 (Exhibit

“G” to the Petition) are hereby set aside only on the ground of failure of the concerned authority to give an opportunity of being heard to the Petitioner before passing the drastic order of revocation of licence;

- (ii) If an application is made by the Petitioner for grant of a fresh licence or for extending the validity period of the earlier licence, the same shall be decided as expeditiously as possible and in any event within a period eighth weeks from the date of filing of such application;
- (iii) As we have accepted the undertaking of the Petitioner which is referred to above, it will not be open for the Petitioner to conduct the business of Security Agency in the State of Maharashtra till either the licence is renewed or a fresh licence is granted to the Petitioner.
- (iv) The Petition is disposed of on the above terms.
- (v) In view of the disposal of the Petition, the pending Appeal before the State Government will not survive.
- (vi) Parties to act upon an authenticated copy of this order.

(A.K. MENON, J)

(A.S.OKA, J)