

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.151 OF 2015

Shri Deepak S. Kamble & Anr.

..... Petitioners

V/s

State of Maharashtra & Ors.

..... Respondents

Mr. N.K. Desai for the Petitioners.

Mr. Amit Shastri, AGP for the Respondents/State.

CORAM : A.A. SAYED, J.

DATED : 22 JANUARY 2015

P.C.

1 Heard Mr. Desai, learned Counsel for the Petitioners and Mr. Shastri, learned AGP for the Respondents.

2 By an order dated 12 December 2014, Respondent No.3 suspended the Entertainment Licence of the Petitioners' establishment known as M/s. Hotel China Gate Restaurant & Bar, situated at Vasant Nagar, Link Road, Malad (West), Mumbai – 400 064 for seven days. By the said order, the Petitioners were given 30 days' time to approach the Appellate Authority under Section 33 of the Bombay Police Act, 1951 read with Rule 28-A of Entertainment Place Rules, 1953. The Petitioners have preferred an Appeal against the said order dated 12 December 2014 and also filed an Application for stay.

3 The grievance of the Petitioners is that despite the Appeal having been filed along-with the Stay Application on 12 January 2015, neither the Application for Stay nor Appeal has been decided and that if the stay is not continued, his Appeal would become infructuous.

4 The Petition is disposed of by passing the following order, which would, in my view, meet the ends of justice:-

- i) The Appellate Authority shall hear and dispose of the Appeal as expeditiously as possible and in any event, within a period of eight weeks from the receipt of copy of this order;
- ii) Pending the hearing and final disposal of the Appeal, the effect and operation of the impugned order dated 12 December 2014, passed by Respondent No.3 in respect of the Petitioners' establishment M/s. Hotel China Gate Restaurant & Bar shall stand stayed;
- iii) In the event any adverse order is passed by the Appellate Authority, the said order shall not be given effect to for a period of three weeks from the date of communication of the same to the Petitioners.

5 Concerned parties to act on the copy of this order, duly authenticated by the Associate of this Court.

(A.A. SAYED, J.)