

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
 WRIT PETITION (L) NO.1808 OF 2015

M/s. Gypsy Bar & Restaurant

...

...Petitioner

v/s.

The State of Maharashtra & ors

...Respondents

...

Mr.R.D.Soni a/w. Mr.S.N.Gawade, Advocate, for the Petitioner
 Mr.Bharat Mehta, AGP, for the Respondent – State.

CORAM : A.A. SAYED, J.

DATED : 8 JULY 2015

P.C.

In **M/s.Hotel K.K.Sansar v/s. Dy.Commissioner of Police**

(Writ Petition No.102 of 1999), learned single Judge of this Court (Justice R.M.Lodha, as he then was) has held as under:

“The very fact that the license was renewed by the Competent Authority even after such offences under Section 33(w) and 110 of the Bombay Police Act, 1951, were committed by the Petitioner would show that such offences were not found worthy of refusal for renewal of the license to the Petitioner. When the Competent Authority renewed the license in favour of the Petitioner after such offences were committed by the Petitioner, the license authority had no power, competence or jurisdiction to take such offence into consideration for cancellation or suspension of license. On this ground alone the Order passed by Respondent No.1 on 18/9/98 and confirmed in Appeal by respondent No.2 cannot be sustained.”

2. In the present case, it is not in dispute that the show cause notice dated 7 January 2013 covers the incidents prior to the renewal of the license.

3. In these circumstances, the impugned orders cannot be sustained and are set aside. The Respondents are granted liberty to issue fresh show cause notice for the period covering the incidents mentioned in the show cause notice dated 7 January 2013, after the date of renewal of the license.

4. The Petition is disposed of in the aforesaid terms.

(A.A. SAYED, J.)