

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 3108 OF 2016

Shobha w/o Janardhan Kadtan
Age: 47 years, Occu: Business (Hotel Ashirwad),
R/o. Renuka Niwas Bank Colony,
Vasmat, Tq. Vasmat, Dist. Hingoli ...Petitioner

Versus

- 1] The Collector,
The Superintendent of State Excise Department,
Hingoli, Dist. Hingoli
- 2] Devanand s/o Rajagaud Mushkam
Age: 56 years, Occu: Business,
R/o. Ganeshnagar, Vasmat,
Tq. Vasmat, Dist. Hingoli
- 3] The Commissioner, State Excise Department,
Maharashtra, 2nd Floor, Old Custom House,
Mumbai ... Respondents

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Mr. Amit S. Deshpande, Advocate for petitioner
Mr. S. K. Tambe, Asstt. Govt. Pleader for respondents No.1 and 3
Mr. A. K. Tiwari, Advocate for respondent No.2

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 30th MARCH, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally with consent of learned advocates for the parties.

2. Learned counsel contends that the petitioner apprehends in view of communication dated 22nd December, 2015 annexed to the petition at Exhibit-"T" page 120, application annexed to the petition at Exhibit-"U" page 122 may have to be taken into account, however under the order dated 21st December, 2015 the petitioner is required to submit eating house license which under the communication dated 22nd December, 2015 appears to have been dispensed with.

3. Learned counsel for respondent no.2, however, submits that, it cannot be said that the requirement of eating house license can said to be totally dispensed with. He submits that the matter for continuation/regrant/renewal of FL-3 license is pending before respondent No.1 and as such, petition is premature.

4. Having regard to aforesaid contentions, it would be appropriate that respondent No.1 decides the application at Exhibit-"U" page 122 having regard to the facts, circumstances and law, and after hearing the parties concerned.

5. In the circumstances, petition is being disposed of with directions as follows.

6. Respondent No.1 to decide the request being made for continuation/regrant/renewal of FL-3 license having regard to the application at Exhibit-"U" page 122 as well as after hearing the concerned parties in accordance with facts, circumstances and law. Respondent No.1 may take decision on the same as expeditiously as possible, preferably within a period of fortnight from the date of receipt of writ of this order.

7. It is open for the petitioner to make request for interim relief which may be decided by the respondent No.1 expeditiously.

8. The parties to appear before respondent No.1 on 1st April, 2016.

9. All the contentions of respective parties are kept open.

10. As such, writ petition is allowed. Rule is made absolute in aforesaid terms.

(SUNIL P. DESHMUKH, J.)

sms