

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4093 OF 2016
IN WP/7682/2013 WITH WP/5307/2013

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
RAMESH GURUNMAL NAGRANI AND ANOTHER

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AGP for Applicants : Shri Korde D.R.
Advocate for Respondent 1 : Shri Kasliwal A.H.
Advocate for Respondent 2 : Shri Shah S.P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 30, 2016

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PER COURT :-

1. This Civil Application has been moved by the State / original respondent Nos.1 to 4 in the Writ Petition No7682 of 2013. Learned AGP submits that the cause of action in the Writ Petition is with regard to the order passed by the Honourable Minister in July 2013. This Court has passed the following order on 24.9.2013.

"1. Heard.

2. Mr. Korde, learned Asstt. Govt. Pleader shall take instruction on the following points:-

(a) Whether the authorities grant renewal of a Cl-III license only qua particular premises;

(b) If the landlord objects to the continuation of the business at his premises, what are the steps required or compliances to be done for shorting.

3. *Stand over to 15.10.2013.”*

2. Learned AGP further submits that the Cl-III license in favour of the original petitioner is due for renewal as per the Rules applicable since the tenure of the license of five years would conclude on 31.3.2016. Contention, therefore, is that the concerned departments are unable to proceed to take a decision on the renewal of the Cl-III license as per Rules, due to the interim orders passed by this Court.

3. Shri Kasliwal, learned Advocate for non-applicant No.1 / original petitioner submits that the license renewed for a period of five years has been protected and the petitioner / licensee is running the liquor shop pursuant to the orders of this Court. He, therefore, submits that no indulgence is called for at this stage and the Civil Application deserves to be rejected.

4. He further submits that there is no prohibition on deciding the fate of the license of the petitioner after it expires on 31.3.2016 and there is no prohibition on renewing the license.

5. Learned Advocate for respondent No.2 supports the learned AGP and submits that there can be no embargo on deciding the renewal of license since the Cl-III licensee is due for a decision on renewal.

6. I have considered the submissions of the learned Advocates.

7. The order passed by this Court dated 24.9.2013 is with regard to the cause of action originating from the order passed by the Honourable Minister. The issue raised by the applicants in this application is with regard to the tenure of the Cl-III license expiring on 31.3.2016, which therefore, calls for a decision by the concerned authority, whether to renew the license or not. Apprehension voiced is that the interim order would prevent the authorities from deciding the fate of the Cl-III license after it expires on 31.3.2016.

8. In my view, the interim order passed by this Court does not preclude the authorities from taking a decision on the Cl-III license as regards whether to renew it or not, based on its Rules applicable. Even under normal circumstances, the issue of renewal would have arisen after the tenure of 5 years was over. Pendency of Writ Petition No.7682 of 2013 would not create an embargo on the applicant / authorities in deciding whether to renew the Cl-III license of the licensee or not.

9. In the light of the above, this Civil Application is partly allowed. The applicant / authorities are at liberty to follow the due procedure laid down in law and decide whether to renew the Cl-III license or not. Needless to state, the applicant shall arrive at a decision in accordance with the Rules applicable and on the merits of the matter.

10. Place both the Writ Petitions for admission on 25.4.2016.

(RAVINDRA V. GHUGE, J.)

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