

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

WRIT PETITION NO. 8603 OF 2015

1. Smt. Pushpa Jagdish Jaiswal,
Age major, occup. Business,
R/o Yawal, Tq. Yawal,
Dist. Jalgaon
 2. Kareena Gopal Awaratani
Age major, occup. Business,
Partner of CL-III License No.71,
R/o Yawal, Tq. Yawal,
Dist. Jalgaon
- .. Petitioners

versus

1. The State of Maharashtra,
Through: (Excise Department,
Mantralaya, Mumbai)
 2. The Collector, Jalgaon,
Dist. Jalgaon
 3. The Superintendent,
State Excise Jalgaon,
Dist. Jalgaon.
 4. The Hon'ble Minister,
State Excise,
Mantralaya, Mumbai – 32
- .. Respondents

Mr. Anil H. Kasliwal, Advocate for petitioners
Mr. D. R. Kale, Asstt. Government Pleader for respondents

CORAM : SUNIL P. DESHMUKH, J.
15TH MARCH, 2016

ORAL JUDGMENT:

1. Leave to amend and add party.
2. Rule. Rule made returnable forthwith. Heard the parties by consent, finally.
3. Briefly stated, the petitioners are before this court against insistence by State excise authorities to pay up interest demanded pursuant to an audit.
4. Learned counsel for the petitioners contends that as a matter of fact, the original amount of licence being paid pursuant to audit report itself is a hiked amount than that can be legitimately asked from the petitioners. He further submits that interest over said amount cannot be said to be due from the petitioners. He purports to rely on various documents, inter alia, certificate issued by the State excise authorities.
5. Learned Assistant Government Pleader, however, submits that the matter is *sub-judice* before the revisional authority at the behest of the petitioners with regard to interest charged and in the circumstances, a decision on merits is not warranted in writ petition.

6. Having regard to that the matter is pending before revisional authority for quite sometime, it would be appropriate to proceed with and dispose of the same expeditiously, preferably within a period of two months from the date of receipt of this order.

7. In the meanwhile, no coercive action be taken for recovery of interest till decision in the revision pending before the authority concerned.

8. Rule made absolute in terms of paragraphs no. 6 and 7 above. Writ petition stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd