

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 511 OF 2013

SUNITA RAJESH SAINI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. J. M. Murkute.
AGP for Respondent No.1 : Mr. A. P. Basarkar.
Advocate for Respondent No.2 & 3 : Mr. M. K. Goyanka.

CORAM : S.V. GANGAPURWALA
& A.M. BADAR, JJ.
DATE : 7TH JANUARY, 2016.

PER COURT:

1] Mr. Murkute, learned counsel for the petitioner states that the petitioner Nos. 1 and 2 are running Fruit Juice and Ice-cream Center. Initially, they were granted licence to run it for a period of 5 years. Learned counsel for the petitioner submits that on 9.3.2012, circular is issued wherein, for sugarcane juice center, extension upto 14 years is granted. Same treatment ought to have been given to the petitioners. According to the learned counsel, there would be no distinction between the persons running a Fruit Juice/Ice-cream Center and Sugarcane Juice Center. According to the learned counsel, even as per the Standing Order of the respondent dated 3rd March, 2009, the petitioners would be entitled for continuation up to 14 years. Learned counsel for the petitioner submits that the respondents are making discrimination.

2] learned counsel for the respondent submits that the persons

running Sugarcane Juice Center can run it only for 6 months in a year which is not the case in respect of Fruit Juice/Ice Cream center.

3] We have consider the submissions. The petitioners want benefit of circular dated 9.3.2012. Said circular is limited to the licencees carrying on business of Sugarcane Juice Center and the same is not applicable to persons running Fruit Juice/Ice Cream Center. The sugarcane juice center is a seasonal business. Both businesses, i.e. Sugarcane juice Center on one hand and Fruit Juice and Ice Cream Center on the other hand, cannot be equated. The Standing Order dated 3rd March, 2008, and more particularly, clause 9 thereof, provides that the licences which are issued would be governed by the terms and conditions upon which the said licences were issued.

4] Considering the above, the case of petitioners cannot be considered. In case the petitioners have any other grievance about not to be dispossessed without due process of law or otherwise, the petitioners may file such other proceeding as may be permissible in law. Writ petition is accordingly disposed of. No costs.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-