

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.11095 OF 2016

Smt. Pushpabai Dattatray Shinde

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. P. S. Dani, Senior Advocate i/by Mr. A. B. Kadam, for the
Petitioner.

Mr. S. D. Rayrikar, AGP for the Respondent Nos.1 to 3.

Mr. D. B. Sawant, for the Respondent No.4.

CORAM : R.M. SAVANT, J.

DATE : 4th MAY 2016

PC.

1. The cause for filing the above Writ Petition is the fact that the stay application filed by the Petitioner in the Revision Application which the Petitioner has filed against the order dated 03.02.2016 passed by the Commissioner of State Excise, Maharashtra State, Mumbai, is not taken up for hearing. By the said order dated 03.02.2016, the Appeal filed by the Petitioner against the order dated 30.07.2015 passed by the Collector, by which order, the heirs of the Laxman Shinde and Dattatray Shinde were directed to produce Succession Certificate within six months. Since the compliance was not made by way of producing the Succession Certificates,

the Collector vide his order dated 02.02.2016 suspended the FL-II licence and CLFLTOD-III licence. Hence, the licence has been suspended as far back as on 02.02.2016.

2. The Learned Senior Counsel appearing for the Petitioner urged before this Court that the Petitioner may be permitted to operate the FL-II and CLFLTOD-III licence pending consideration of the Revision Application.

3. In my view, it is not possible for this Court to accede to the said request in view of the fact that the Revision filed by the Petitioner is pending. Since the Petitioner has filed an application for stay of the order passed by the Commissioner, State Excise and also consequentially sought the relief that she may be permitted to operate FL-II and CLFLTOD-III licence, it would be just and proper to direct the Revisionary Authority to hear and decide the Revision Application itself having regard to the fact that the operation of the FL-II licence is contentious issue between the parties. The Revisionary Authority is therefore directed to hear and decide the Revision Application itself latest by 15.07.2016. The parties to appear before the Revisionary Authority on 10.05.2016 at 3.00 p.m., however, the Revision Application to be decided latest by 15.07.2016 as ordered by this Court. With the aforesaid directions, the Writ Petition is disposed of.

4. The parties to act on a copy of this order duly authenticated
by the Court Shirestedar.

[R.M. SAVANT, J]