

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7952 OF 2016

Draupadi Kondiba Dange.
[M/s. Sainath Wines).

..Petitioner.

Versus

The Collector of Mumbai
(City) & Others.

..Respondents.

Ms. Veena Thadani for the Petitioner.
Mr. P. G. Sawant, AGP for the State.

Coram : Ranjit More &
A. S. Gadkari, JJ.
Date : **July 14, 2016.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and learned AGP for the State.
2. On 23th November 2015, the Petitioner made an application to Respondent No.1–Collector, Mumbai for shifting vendor's licence from Mumbai City District to Thane District. Shifting of the licence is sought on the ground that sale of wine in the premises situated at present place has decreased and thus the business has become inviable.
3. The provisions of Rule 25(4) of the Maharashtra Foreign Liquor Rules, 1953 deal with the shifting of licence from

one place to another place. Under Clause (a) of said rule, if the shifting of the licence is within a taluka, the prior approval is required from the Collector. Under clause (b), it is provided that if the shifting of the licence is from one taluka to another taluka of the said district, prior approval of the Commissioner is required. Further clause (c) of the said rule provides that if the shifting of the licence is from one district to another district, prior approval of the Government is required.

4. It is the case of the Petitioner that Respondent No.1 being the Collector of Mumbai District and Respondent No.2 being the Collector of Thane have processed the Petitioner's application for shifting and thereafter forwarded the Petitioner's application along with their report to the State Government in terms of clause (c) of Rule 25(4) of the Maharashtra Foreign Liquor Rules, 1953.

5. The short grievance made in the petition is that though the Petitioner's proposal for shifting of the licence from Mumbai District to Thane District is forwarded by the respective Collectors to the State Government in the month of January 2016, as of today, the State Government has not taken any decision on

the same.

6. In above circumstances, we deem it appropriate to dispose of this writ petition by directing Respondent No.4 – the State Government in Excise Department to decide the Petitioner's said application for transfer of vendor's licence from Mumbai District to Thane District as expeditiously as possible and at any rate within the period of eight weeks from the date of receipt of a copy of this order. Ordered accordingly.

7. It is made clear that this Court has not gone into merits of the matter and Respondent No. 4 shall decide the said application on its own merits and in accordance with law. All points and contentions of the respective parties are kept open.

[A. S. GADKARI, J.]

[RANJIT MORE, J.]