

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) NO. 1259 OF 2016**

Ramavati Jainarayan Agarwal

...Petitioner

vs.

The Collector of Mumbai & Ors.

....Respondents

Mr.Sugandh Deshmukh for Petitioner.

Mr.Milind More, Addl.GP. for Respondent Nos.1 and 2.

Mr.S.R. Ganbavale for Respondent No.3.

CORAM : S.C. GUPTE, J.**4 MAY 2016****P.C. :**

Heard learned Counsel for the parties. Rule. By Consent of parties, Rule made returnable forthwith. Learned Counsel for the parties agree that the petition may be disposed of by this court without assigning any reasons in the order. Accordingly, the petition is disposed of in terms of the following order :

(I) At the outset leave to amend granted to enclose the order dated 25th April 2016 passed by Respondent No. 2. Amendment to be carried out forthwith.

(II) The Petitioner has challenged the order passed by Respondent No. 2 dated 25th April 2016 as well as the order passed by Respondent No. 1 dated 28th April 2016 thereby suspending the license of M/s. Queen Wine

Centre, FL-2, No. 62 and CLFLTOD-3 No. 115.

(III) Since the Petitioner and Respondent no. 4 were not heard before passing the impugned order, Respondent No.3 has no objection if the impugned order dated 25th April 2016 and the consequential order of execution dated 28th April 2016 are quashed and set aside. Hence, the impugned order dated 25th April 2016 and the consequential order of execution dated 28th April 2016 are quashed and set aside.

(IV) An opportunity of hearing will be given to the Petitioner and Respondent No. 4 - Court Receiver, in which the parties including the Petitioner can raise all contentions including the issue of jurisdiction and maintainability of the said Revision Application before Respondent No. 2.

(V) The parties will appear before Respondent No. 2 on 10th May 2016 and Respondent No. 2 will fix the date of hearing and the Respondents will provide all the documents to the Petitioner and Respondent No. 4 - Court Receiver including the Revision Application filed by Respondent no. 3.

(VI) An advance notice of hearing should be given to Respondent No. 4 - Court Receiver by Respondent No. 2 - Minister in order to facilitate hearing of the matter at fixed place and time. Respondent No. 2 - Minister should endeavor to decide the matter preferably within a period of one month from the date of appearance before Respondent No. 2.

(VII) Respondent No. 1 forthwith will remove the seal from the suit premises, viz., M/s. Queen's Wine Centre, M.G. , 8/1/1 , H.M. Chawl , Opp. Swastik Chamber, Sion Trombey Road, Chembur , Mumbai 71, and allow the Petitioner to continue to operate the said business as the Agent of

Respondent No. 4 Receiver as per the order passed by this Court in Notice of Motion No. 1022 of 2006 in Suit No. 895 of 2006 (Coram : Shri Vazifdar J.) dt. 6th August 2007, till the decision of the Revision Application by Respondent No. 2.

(VIII) If Respondent No. 2 decides the Revision Application against the Petitioner, then the said order will not operate for two weeks from the date of communication of the said order to the Petitioner.

(IX) All contentions of the parties on merits of the controversy are kept open, to be agitated before Respondent No.2.

(X) Respondent No.3 is permitted to amend the revision proceedings pending before Respondent No.2 by adding the Petitioner herein and Respondent No.4 – Court Receiver as a party to revision proceedings and make consequential amendments in the body of the revision application. Such amendments to be carried out within a period of two weeks.

(XI) The writ petition, therefore, is disposed of in the above mentioned terms.

All the concerned parties to act upon the authenticated copy of the order.

(S.C. Gupta, J.)