

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6715 OF 2016

[M/s. A.S. Masurkar Trading and Marketing Private Limited, Nagpur .vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Nikhil Padhye, Advocate for the petitioner,
Shri S.P. Deshpande, Additional Government Pleader for the respondents.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : DECEMBER 15, 2016.

By this writ petition, the petitioner seeks a direction against the Collector, State Excise to decide the application of the petitioner for renewal of the licence and permission to shift the same to plot nos.33 and 34 in Dhapewada.

According to the petitioner, though the petitioner had made the application for the renewal of the CL-III licence and to permit the petitioner to shift it as the desired location, the Collector, State Excise is not deciding the same, despite several reminders.

Shri Deshpande, the learned Additional Government Pleader appearing on behalf of the Collector, State Excise, states on instructions that since, according to the State Government, wrongful permissions were given for transfer of the liquor licence from one part of the State to the other, the State Government has initiated an enquiry and the Commissioner, State Excise has directed the Collector, State Excise not to take a decision on such applications.

Though the petitioner has made the application nearly two years earlier, the application of the petitioner is not decided

till date despite the fact that there is an order in favour of the petitioner permitting it to transfer the licence from Ratnagiri District to Nagpur District. For past two years, we hear in almost every petition that comes up for issuance of a direction against the respondents to decide the pending application, that an enquiry in the matter of wrongful transfers is pending. We are surprised that the enquiry is said to be pending for more than two years. In any case, since there is an order in favour of the petitioner permitting it to transfer the licence, it would be necessary for the Collector, State Excise to decide the application of the petitioner within a time frame. Though the licence fees for the past two years are paid by the petitioner, the application of the petitioner is still not decided.

Since the prayer made on behalf of the petitioner is innocuous, we dispose of the writ petition, with a direction against the Collector, State Excise to decide the application of the petitioner in accordance with law within four weeks. Order accordingly. No costs.

JUDGE

JUDGE