

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3148 OF 1994
(Draupadidevi w/o Pralhadrao Nagrani Vs. State of Maharashtra and
another)

Mr.S.R.Barlinge, Advocate for the petitioner.
Mr.S.P.Deshmukh, AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/08/2017

PER COURT :

1. The petitioner is aggrieved by the order dated 10/01/1994 passed by the Collector and the order dated 28/06/1994 passed by the Commissioner of State Excise by which the application of the petitioner for transferring the CL-III license of her husband in her name and re-validating the license has been rejected.

2. I have considered the strenuous submissions of Mr.Barlinge and the learned AGP on behalf of the litigating sides.

3. The petitioner's husband Pralhadrai Nagrani had acquired a CL-III Country Liquor license in 1973. He died in 1979. The petitioner moved an application on 03/01/1994 praying for transferring the license of the shop at Edlabad on her name and for re-validating the

said license so as to enable the petitioner to operate the said shop. By the impugned order dated 10/01/1994, the Collector informed the petitioner that under the policy of the Government, such an application should have been filed on or before 31/05/1986. As it was filed on 10/01/1994 after a passage of about 8 years, the same was rejected.

4. The petitioner approached the Commissioner of State Excise by preferring an appeal No.17/1994. By judgment dated 28/06/1994, the appeal was rejected for the reason that the various policy decisions applicable to the grant of license and re-validating of license, the application should have been tendered before 31/05/1986.

5. The petitioner contends that in an identical case of Yamunabai Kanade in Appeal No.54/1988, the Commissioner of State Excise had allowed the appeal by order dated 10/08/1988. I find this submission to be unsustainable since the said order dated 10/08/1988 indicates that Yamunabai had applied for revalidation on 18/01/1986 and by the Government Circular dated 17/06/1986, such applications preferred before 31/05/1986 alone were to be considered.

6. Considering the above, I do not find that the impugned orders could be termed as being perverse or erroneous. This petition, being devoid of merit, is dismissed. Rule is discharged.

(Ravindra V.Ghuge, J.)