

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11760 OF 2017

Smt. Sunita Shashikant Phadake
and Smt. Chitra Dilip Phadake
Partners through its partner,
Smt. Sunita Shashikant Phadake,
age 48 years, Occ. Business,
R/o. Shevgaon Tq. Shevgaon
Dist. Ahmednagar.

.. Petitioner

VS.

1. The State Of Maharashtra,
Through the Principal Secretary,
(State Excise) Mantralaya,
Mumbai – 400 032.
 2. The Commissioner of State Excise
Maharashtra State, Old Custom
House, Mumbai – 400 023.
 3. The District Collector,
State Excise Department,
Ahmednagar.
 4. Superintendent of State Excise,
Ahmednagar.
 5. The State Excise Inspector,
Shevgaon Dist. Ahmednagar.
- .. Respondents

Mr. V. S. Undre, Advocate for the petitioner
Mr. S. G. Karlekar, A.G.P. for the respondents/State

WITH
WRIT PETITION NO. 11761 OF 2017

Chandrashekhar Narayan Venkatram,
age 45 years, Occup. Business,
R/o. Subhash Colony, Shrirampur,
Tq. Shrirampur Dist. Ahmednagar .. Petitioner

VS.

1. The State Of Maharashtra,
Through the Principal Secretary,
(State Excise) Mantralaya,
Mumbai – 400 032.
2. The Commissioner of State Excise
Maharashtra State, Old Custom
House, Mumbai – 400 023.
3. The District Collector,
State Excise Department,
Ahmednagar.
4. Superintendent of State Excise,
Ahmednagar.
5. The State Excise Inspector,
Shrirampur, Dist. Ahmednagar. .. Respondents

Mr. V. S. Undre, Advocate for the petitioner
Mr. S. B. Joshi, A.G.P for the respondents/State

WITH
WRIT PETITION NO. 11764 OF 2017

Kundalik Yashwant Thorat and
Shamala Shriniwas Korakapal
partners through its Partner,
Smt. Shamala Shriniwas Korakapal,
Age 45 years, Occup. Business,
R/o Near Juna Press, Shevgaon

Tq. Shevgaon Dist. Ahmednagar

.. Petitioner

VS.

1. The State Of Maharashtra,
Through the Principal Secretary,
(State Excise) Mantralaya,
Mumbai – 400 032.
 2. The Commissioner of State Excise
Maharashtra State, Old Custom
House, Mumbai – 400 023.
 3. The District Collector,
State Excise Department,
Ahmednagar.
 4. Superintendent of State Excise,
Ahmednagar.
 5. The State Excise Inspector,
Shevgaon, Dist. Ahmednagar.
- .. Respondents

Mr. V. S. Undre, Advocate for the petitioner

Mr. S. P. Sonpawale, A.G.P. for the respondents/State

**WITH
WRIT PETITION NO. 11765 OF 2017**

Shital Narayanrao Purnale,
Age 37 years, Occ. Business,
R/o. Nathnagar Colony, Ambedkar
Chowk, Shevgaon Tq. Shevgaon
Dist. Ahmednagar.

.. Petitioner

VS.

1. The State Of Maharashtra,
Through the Principal Secretary,

(State Excise) Mantralaya,
Mumbai – 400 032.

2. The Commissioner of State Excise
Maharashtra State, Old Custom
House, Mumbai – 400 023.
3. The District Collector,
State Excise Department,
Ahmednagar.
4. Superintendent of State Excise,
Ahmednagar.
5. The State Excise Inspector,
Shevgaon, Dist. Ahmednagar. .. Respondents

Mr. V. S. Undre, Advocate for the petitioner
Mr. S. G. Karlekar, A.G.P. for the respondents/State

**WITH
WRIT PETITION NO. 11767 OF 2017**

Lilawati Chandrashekhar Venkatram,
Age 40 years, Occ. Business,
R/o. Subhash Colony, Shrirampur
Tq. Shrirampur Dist. Ahmednagar. .. Petitioner

VS.

1. The State Of Maharashtra,
Through the Principal Secretary,
(State Excise) Mantralaya,
Mumbai – 400 032.
2. The Commissioner of State Excise
Maharashtra State, Old Custom
House, Mumbai – 400 023.

3. The District Collector,
State Excise Department,
Ahmednagar.
4. Superintendent of State Excise,
Ahmednagar.
5. The State Excise Inspector,
Shevgaon, Dist. Ahmednagar. .. Respondents

Mr. V. S. Undre, Advocate for the petitioner
Mr. A. R. Kale, A.G.P for the respondents/State

**CORAM : R. M. BORDE &
SMT. VIBHA KANKANWADI. JJ.**
DATE : 26-09-2017

PER COURT :

1. The petitioners makes a grievance that, in view of the notification issued by the State Government on 1st of September, 2017, the applications of renewal of license tendered by the petitioners are not being considered favourably.

2. The petitioners places reliance on the order passed by the High Court Bench At Nagpur in Writ Petition No. 5938 of 2017, dated 12th September, 2017, in the matter of *M/s. Dewaki Traders Vs. State of Maharashtra and others*, as well as group of petitions bearing No.5990 of 2017 and other companion matters presented at High

Court Bench at Nagpur, so also order passed at Mumbai in Writ petition No.10612 of 2017 on 20-12-2017. The Division Bench at Nagpur as well as Mumbai have taken a view that, since the notification shall not have retrospective applicability, prima facie non consideration of the applications tendered by the petitioner for renewal of license is not appropriate. The Division Bench, therefore, directed the concerned authorities to consider the applications tendered by the petitioners and, further directed not to refuse renewal merely on the ground of non observance of the directives contained in the impugned notification.

3. Considering the orders passed by the Division Benches at Nagpur and Mumbai, the State Government has issued revised instructions on 20th September, 2017, and directed the authorities to take decisions in applications as per directions issued by the Division Benches.

4. As referred above, in view of the notification issued by the State Government on 20th September, 2017, the grievance raised by the petitioners in the instant petitions stands redressed. Hence, the concerned authorities directed to consider applications tendered by petitioners for renewal of license, as expeditiously as possible, preferably within a period of two weeks.

5. The respondent authority shall grant license to the petitioners and shall not reject the same merely on account of non-

observance of the conditions recorded in the Government Notification dated 1st September, 2017. The renewal of license would obviously subject to outcome of the petitions referred to above.

6. In view of above, writ petitions are disposed of.

[SMT. VIBHA KANKANWADI]
JUDGE

[R. M. BORDE]
JUDGE

vjg/-.