

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.446 OF 2013  
WITH  
CIVIL APPLICATION NO.1069 OF 2013**

|                                     |     |             |
|-------------------------------------|-----|-------------|
| M/s Trigun And Company              | ... | Appellant   |
| Versus                              |     |             |
| The State of Maharashtra And Others | ... | Respondents |

Mr. Anand S. Kulkarni for the Appellant.  
Mr. M.G. Patil, AGP for Respondent No.1/State.

**CORAM : S.C. GUPTE, J.**

**DATE : 31 JANUARY 2017**

**P.C. :**

The subject matter of the present second appeal concerns the validity of an order passed by Collector of Solapur in the matter of renewal of Lodging House Licence in favour of the Appellant. The Collector's order levying 150% renewal fees was challenged by the Appellant in its suit against the Respondents. Both the Courts below have come to the conclusion that the suit was not maintainable and that the proper remedy was to approach the Competent Authority under Section 137 of the Bombay Prohibition Act. Learned Counsel for the Appellant submits that he has now taken instructions from his client that the Appellant would approach the Competent Authority in appeal. But considering the fact that 100% renewal fee has already been paid by the Appellant, the interim injunction for a limited period may be granted to it, so as to enable it to approach the Competent Authority.

2. The second appeal is, accordingly, dismissed as withdrawn.

3 The Respondents, however, shall not take any coercive action against the Appellant for a period of four weeks from today.

4 If the Appellant approaches the Competent Authority under Section 137 of the Bombay Prohibition Act, the Authority shall consider and dispose of the appeal expeditiously. In case the Authority is unable to so dispose the appeal, it shall consider the Appellant's application for continuation of the limited protection granted by this Court. As and when the appeal is filed before the Competent Authority, the Authority shall consider the Appellant's prayer for condonation of delay based on its having *bona fide* prosecuted the present suit and appeal for all this while.

5 In view of the disposal of the second appeal, Civil Application No.1069 of 2013 does not survive and the same is also disposed of.

**(S.C. GUPTE, J.)**