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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 4756 OF 2017

Hotel Sai Darshan Bar and Restaurant Through its Proprietor	...Petitioner
Vs.	
The District Collector, Raigad Dist. And Ors.	...Respondents

WITH
WRIT PETITION No. 4757 OF 2017

Hotel Deepa Restaurant and Bar through Owner	...Petitioner
Vs.	
The District Collector, Raigad District and Ors.	...Respondents

WITH
WRIT PETITION No. 4772 OF 2017

Hotel Crazy Boys bar and Restaurant through its Proprietor	...Petitioner
Vs.	
The District Collector, Raigad Dist. And Ors.	...Respondents

WITH
WRIT PETITION No. 4850 OF 2017

Hotel Rahul Park Through its Proprietor	Petitioner
Vs.	
The District Collector, Raigad District and Ors.	Respondents

(WP 4749 of 2017)

WITH
WRIT PETITION No.4851 OF 2017

Hotel Anant Bhuvan Bar and
Restaurant (Poonam Hotel)

Through its Proprietor

....Petitioner

Vs.

The District Collector,
Raigad District and Ors.

....Respondents

Mrs. Veena Thadani for the Petitioner in WP No. 4749 of 2017, 4677 of 2017, 4678 of 2017, 4679 of 2017, 4750 of 2017, 4752 of 2017, 4847 of 2017, 4848 of 2017, 4849 of 2017

Mr. R.D. Soni a/w. Mr. S.N. Gawade for the Petitioner in WP 4756 of 2017, 4757 of 2017, 4772 of 2017, 4850 of 2017, 4851 of 2017

Mr. Abhijit B. Kadam for the Petitioner in WP No. 4859 of 2017

Mr. Dnyanadeo B. Savant a/w. Mr. Vinayak Salokhe a/w. Mr. Ramesh Lad in WPL No. 10165 of 2017 for the Petitioner

Mr. S.L. Babar -AGP for the Respondent -State

CORAM : V.M. KANADE &

C.V. BHADANG, JJ

DATE : APRIL 25, 2017

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioners and the learned AGP for the State.

2. In this group of matters, a short question which falls for consideration is whether the Petitioners are entitled to continue their business of vending liquor within a distance of 500 metres of the outer edge of the national or state highway till 30th September, 2017. The learned counsel for the Petitioners has firstly submitted that the Apex Court has now carved out an exception in respect of those licenses for the sale of liquor which have been renewed prior to 15.12.2016 and the excise year of the concerned state is to end on a date falling on or after 1 April, 2017 and the existing license shall continue until the term of the license expires but in any event not later than 30th September, 2017.

3. It is submitted that the term of the Petitioners' license expires after five years and, as such, the direction (iii) in paragraph 24 of the judgment of the Apex Court is applicable to the Petitioners and they are entitled to continue to operate till 30th September, 2017. Secondly, it is submitted that in view of Rules 3 and 6 of the Maharashtra Portable Liquor (Periodicity and Fees for grant, renewal, or continuance of Licenses) Rules 1996 [for short 'the said Rules'], the Petitioners are entitled for renewal or for continuation to carry on their business either for a period of one year or five years as per the request of the applicant licensee in that behalf. It is submitted that in these cases, the term of the Petitioners' license ends after five years. It is submitted that under Rule 6 of the said Rules, the periodicity of the licensee and the amount of fees chargeable for grant, renewal or continuance shall continue to be in force and that these rules shall supersede the earlier rules. Thirdly, it is submitted that in a similar case, which was filed in the Apex Court, the Apex Court by an order dated 21.4.2017 had permitted the Petitioners to approach the High Court for pressing the prayers raised in the petition viz. Writ Petition (Civil) No. 255 of

2017.

4. It is not possible to accept the submissions made by the learned counsel for the Petitioners. The Apex Court in its order dated 15.12.2016 in paragraph 24 clause (iii) has observed as under:

“(iii) The existing licences which have already been renewed prior to the date of this order shall continue until the term of the licence expires but not later than 1 April 2017.”

5. Large number of petitions were filed, seeking modification of the said order and, therefore, the Apex Court modified the said order as under:

“In the case of those licences for the sale of liquor which have been renewed prior to 15 December 2016 and the excise year of the concerned State is to end on a date falling on or after 1 April 2017, the existing licence shall continue until the term of the licence expires but in any event not later than 30 September 2017.

In other words, no licence shall either be granted or renewed or shall remain in operation in violation of the direction of this Court beyond 30 September 2017.”

6. In the present case, it is an admitted position that so far as the State of Maharashtra is concerned, the excise year ends on 31st March of every year and, as such, the said modification will not be applicable to the State of Maharashtra. The words “the existing licence shall continue until the term of the

licence expires but in any event not later than 30 September 2017” will be applicable only to those licencees whose excise year expires on or after 1st April, 2017. The contention of the Petitioners that since the term of license expires after five years, the Petitioners are entitled to carry on their business of vending liquor at least 30th September, 2017 cannot be accepted. The direction given by the Apex Court is binding on this Court as well as all the authorities and now it will not be open for this Court to interpret the said direction in any other manner. Moreover, the direction given by the Apex Court is self-explanatory and unambiguous. We, therefore, decline to grant the relief as prayed by the Petitioners in these petitions. The writ petitions are disposed of.

[C.V. BHADANG, J.]

[V.M. KANADE, J.]