

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

WRIT PETITION NO. 10584 OF 2017

M/s. Shyam Wines

.. Petitioner

v/s.

The State of Maharashtra & Ors.

.. Respondents

Ms. Veena Thadani for the petitioner

Mr. Mayur Khandeparkar i/b Prerna Lalchandani for respondent no.4

Mr. S.D. Rayrikar, AGP for respondent nos. 1 to 3

CORAM : M.S. SANKLECHA, J.

DATED : 6th NOVEMBER, 2017

PC.

1. Not on board. Mentioned. Upon mentioning, taken up for consideration.

2. This petition challenges the order dated 3rd August, 2017 passed by the Minister (State Excise) of the State of Maharashtra. By the impugned order passed under Section 138 of the Maharashtra Prohibition Act, 1949 (the Act), the Revision Application of respondent no.4 was allowed. As a consequence thereof, the petitioner no.1 and its partners were held to be not entitled to the

benefits of the liquor license in Form FL-II No.114.

3. The undisputed position is that the impugned order dated 3rd August, 2017 has been passed almost nine months after the grant of hearing and closure of case for orders. This has resulted in all contentions of the parties not being appropriately considered.

4. The parties are in consensus that the impugned order dated 3rd August, 2017 be quashed and set aside and the Revision Application dated 27th August, 2015 is restored to the file of the Minister for fresh disposal, after following the principles of natural justice. It is also agreed position between the parties that the license in Form FL-II license No. 114 be suspended till such time the Minister decides the petitioner's Revision Application afresh.

5. The Minister shall decide the Revision Application dated 27th August, 2015 within a period of three months from today. The parties undertake to extend their co-operation for early disposal of the Revision. All contentions of the parties are kept open. It is made clear that the merits of controversy raised have not been examined by me.

6. The petition is disposed of in the aforesaid terms. No order as to costs.

(M.S. SANKLECHA, J.)