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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (ST) NO. 990 OF 2017

Cyrus K. Nagarwalla ...Petitioner
vs
The Collector (State Excise) Mumbai City
& Ors. ...Respondents.

**WITH
WRIT PETITION (ST) NO. 993 OF 2017**

M/s Nihalchand & Sons ...Petitioner
vs
The Collector (State Excise) Mumbai City
& Ors. ...Respondents.

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Mr R.D.Soni a/w Mr Kasale i/b M/s Ram & Co. for the Petitioner in
both petitions.
Mr Abhay Parki AGP for the State in both petitions.

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**CORAM : SHANTANU S. KEMKAR &
B.P.COLABAWALLA, JJ**

APRIL 11, 2017

P.C. :

Not on board. Upon mentioning taken on board.

Feeling aggrieved by the communications dated 14.3.2017
Exh "C" and the communication dated 31.3.2017 Exh "E" thereby the
petitioner's license has been cancelled and it has been said that it
would not be renewed as the shop of the petitioner is falling within

500 meters from the State Highway, the Petitioners have filed above two petitions.

2 Learned counsel for the petitioner submits that in fact he has submitted a representation to the concerned Ministry along with documentary evidence to show that the petitioner's shop is beyond 500 meters and approximately more than 700 meters from the State High Way.

3. Having considered the submissions of the learned Counsel for parties and the statement made by the learned Counsel for the petitioner, on instructions, that the petitioner's shop in question falls beyond 500 meters and approximately more than 700 meters from the State High Way, and the contention of the petitioner that the bar imposed in the order passed by the Supreme Court is not applicable in the facts of these two, we are inclined to grant leave to the petitioners to submit a copy of the representation along with additional evidence, if any, before the District Collector, Mumbai, seeking renewal of his license.

4 In case, such representation/appropriate application is filed by the petitioner before the District Collector, Mumbai, the District Collector, Mumbai shall consider the petitioners' case that their shops are not falling within the parameters fixed by the Supreme Court for grant / renewal of the license, and then to pass appropriate fresh order recording the finding about the distance of the shop from the State High way and as to whether the petitioner is entitled for

renewal/grant of license in view of the order or the Supreme Court. Let this be done within a period of four weeks from the date of receipt of copy of this order.

5 The Writ Petitions are disposed of accordingly.

(B. P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)