

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8060 OF 2018

M/s Anand Country Bar

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. V.P. Latange, advocate for petitioner.
Mr. A.B. Girase, G.P. for all respondents.

**CORAM : R.M.BORDE &
A.M. DHAVAL, JJ.**
DATE : 18th JULY, 2018

PER COURT:

1. Petitioner is aggrieved by the order passed by the Superintendent of State Excise, Nanded, directing petitioner to pay difference amount towards renewal fees and interest accrued thereon.

2. Petitioner contends that so far as payment of renewal fees is concerned, petitioner does not have any serious objection in that regard. The amount has been deposited as per the challan issued by the department and there is no default on the part of the petitioner in making payment. It is contended that the action of levy of interest on the amount of difference charged by the department is unjust and deserves to be quashed. The petitioner has already tendered representation to the Collector on 19.07.2018.

3. In view of provisions of section 137 of the Maharashtra Prohibition Act, the orders passed by Prohibition Officer are appealable and the appeal lies to the Collector. It would be open for the petitioner to tender an appeal within contemplation of law. If petitioner tenders appeal within a period of two weeks from today, the Collector shall take decision in the matter, after extending an opportunity of hearing to petitioner and all the parties concerned, as expeditiously as possible, preferably within a period of eight weeks from today.

4. In the meanwhile, no coercive action shall be taken against petitioner on account of failure to deposit the amount. Petitioner shall however, deposit an amount of Rs. 8,01,729/- as undertaken by it with the Superintendent of State Excise, Nanded, within a period of two weeks from today.

5. In view of directions as above, writ petition is disposed of.

A.M. DHAVALÉ
JUDGE

R.M.BORDE
JUDGE

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