

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9368 OF 2018

Devmmabai Mukundrao Nemmaniwari .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. P. Latange, Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 13TH AUGUST, 2018.

FINAL ORDER :

. Issue notice to respondents. The learned Assistant Government Pleader accepts notice for all respondents.

2. 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.

3. 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 06.08.2018.

4. In view of provisions of Section 137 of the Maharashtra Prohibition Act, the orders passed by the 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 (08) weeks from today.

5. 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. 7,82,685/- as undertaken by her with the Superintendent of State Excise, Nanded within a period of two weeks from today.

6. In view of directions above, writ petition is disposed of.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18

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Sudhakar
Bodke

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