

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO.693 OF 2018.***

Gregory Daniel B.

Shah, thr. His POA,

Keshavanand Devidas Morajkar

...

Petitioner.

Versus

Commissioner of Excise Panaji

...

Respondent.

Mr. S. Desai, Advocate for the Petitioner.

Mr. P. Faldessai, Additional Government Advocate for Respondent
no.1.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 21 August 2018.

P.C.:

The Petitioner is before us since the Chief Secretary who is Appellate Authority under the Goa Excise Duty Act, 1964 has recused himself in view of the fact that he had dealt with the Petitioner's matter on the administrative capacity.

2. On 21 July 2018, we had pointed out to the State that Goa Excise Duty Act 1964, vest sufficient powers in the State Government to pass necessary orders in case of any difficulty in implementation of the provision of the Act.

3. Thereafter the matter was adjourned to 7 August 2018, whereupon the learned Addl. Govt. Advocate informed the Court that the State had decided to appoint another officer as Appellate Authority and the details will be supplied to the parties. Today the learned Addl. Govt. Advocate seeks further time to inform the name of the Officer.

4. It is not necessary to keep the petition pending, in view of the fact that the State would be appointing another officer as an Appellate Authority in the facts and circumstances of this case and that is the only relief that the Petitioner had pressed in this petition.

5. We dispose of this Writ Petition in view of the fact that the State will be appointing the necessary officer as an Appellate Authority within a period of three weeks from today.

6. The learned Counsel for the Petitioner states that the appeal be heard expeditiously. We are not aware as to what are the commitments the officer has to direct expeditious disposal at this stage, but the officer would consider disposing of the appeal early in view of the fact that cause is pending for sufficiently long period of time.

7. Appeal no.1 of 2018 which will be now heard by the Authority

so designated shall be disposed of on its own merits and in accordance with law.

8. Petition stands disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.