

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 913 OF 2018

PRABHAVATI PRABHAKAR VOLVOIKAR., ... Petitioner

Versus

COMMISSIONER OF EXCISE, GOVT. OF
GOA, PANAJI AND ANR., ... Respondents

Shri Yogesh V. Nadkarni, Advocate for the Petitioner.
Ms. Susan Linhares, Additional Government Advocate for the
Respondent No.1.
Shri Rohit Bras De Sa, Advocate for the Respondent No.2.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 19th October 2018

P.C.:

It is apparent from a consideration of the proceedings and the order under challenge dated 31/07/2018 that the respondent no.1 had been completely swayed by the complaint filed by the respondent no.2 and had apparently not given any hearing to the petitioner herein while proceeding to hold that it was appropriate to suspend the license with immediate effect. It is another matter that the respondent no.1 has given an opportunity to the complainant to file further rejoinder, if any, but without any such benefit being given to the petitioner herein to put forth her case. In the circumstances therefore, the impugned order cannot be allowed to stand.

2. In any event, Ms. Susan Linhares, learned Additional Government Advocate submits that the matter is before the respondent no.1 for consideration of the Cancellation of license.

3. In view thereof, the matter is remanded to the respondent no.1 to decide the same as expeditiously as possible and in any event within two months from the date of the communication of this order. In the meantime, the impugned order shall be stayed. The petition accordingly stands disposed off.

NUTAN D. SARDESSAI, J.

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