

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2358 OF 2018

Balasaheb Mohan Deore

..... Petitioner

VERSUS

The Collector of Nashik & Ors.

..... Respondents

Ms.Veena Thadani, i/b. Mr.Vishal Thadani for the Petitioner.

Ms.G.R.Golatkhar, A.G.P. for the State – Respondent nos. 1 to 3.

CORAM : R.D. DHANUKA, J.

DATE : 27th FEBRUARY, 2018

P.C.

Rule. Learned A.G.P. for the respondent no.1 waives service.

2. By consent of parties, matter is heard finally forthwith.

3. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 31st January,2018 received by the petitioner on 18th February,2018 passed by the respondent no.1 thereby suspending FL II licence no.59 and CL/FL/TOD III Licence no.59 licences which were granted in favour of the petitioner by the authority. It is not in dispute that being aggrieved by the impugned order passed by the respondent no.1, the petitioner has already preferred an appeal before the learned Commissioner State Excise and the same is pending. The suspension period of the impugned order is of 60 days. The appellate authority has not fixed any date for hearing of the appeal filed by the petitioner. In this view of the matter, it would be appropriate to grant stay of the impugned order dated 31st January,2018 passed by the respondent no.1

till appeal filed by the petitioner is heard by the appellate authority. I, therefore, pass the following order :-

4. The impugned order dated 31st January,2018 is stayed till the disposal of the appeal by the appellate authority and for a period of two weeks from the date of the disposal of the appeal if any adverse order is passed against the petitioner. The Appellate Authority shall dispose of the appeal expeditiously.

5. The parties to act on the authenticated copy of this order.

6. Learned A.G.P. is directed to convey this order to the appellate authority i.e. the respondent no.1 for compliance.

7. Rule is made absolute in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]