

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 4522 OF 2018****Sujata Pandurang Kale****..... Petitioner****VERSUS****The Collector of Pune, & Ors.****..... Respondents**

Mrs.Veena Thadani, a/w. Ms.Priyanka Raul for the Petitioner.

Mr.S.H.Kankal, A.G.P. for the State – Respondent nos. 1 to 3.

CORAM : R.D. DHANUKA, J.**DATE : 18th APRIL, 2018****P.C.**

The papers are allowed to be produced at 03.00 p.m.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 26th March,2018 passed by the 1st respondent by which the excise FL III licence issued under the provisions of Maharashtra Prohibition Act, 1949 has been cancelled. The petitioner has already impugned the said order before the respondent no.2 and the said appeal is pending along with the stay application.

3. Mr.Kankal, learned A.G.P. on instruction states that the learned Commissioner, State Excise will take four months time to dispose of the said appeal as well as the stay application filed by the petitioner. Statement is accepted.

4. Respondent no.2 is directed to decide the said appeal itself

within a period of four months from the date of communication of this order after hearing the petitioner and after applying the principles of natural justice and in accordance with law.

5. Till the appeal filed by the petitioner is decided by the respondent no.2, the respondent no.1 shall not implement the order dated 26th March,2018 and shall allow the petitioner to carry on business in accordance with law. If any adverse order is passed against the petitioner, the same shall not be implemented for a period of two weeks from the date of communication.

6. It is however made clear that if the petitioner commits any other violation of the provisions of the said Act, the respondent no.1 is not prevented from taking fresh action against the petitioner for such violation.

7. Writ petition is disposed of in the aforesaid terms. No order as to costs.

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

[R.D. DHANUKA, J.]