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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10353 OF 2018

Ashok S. Shetty ..Petitioner

Versus

The State of Maharashtra & Ors. ..Respondents

WITH

WRIT PETITION NO.8965 OF 2018

Ranjana Rajendra Naik ..Petitioner

Versus

The State of Maharashtra & Ors. ..Respondents

Mr.Pankaj Kansara, Advocate for the Petitioners.

A.B. Kadam, AGP for the State.

Mr.Rajiv Arjun Sawant, Sr. PI, Desk-X, CP Office, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATED : 6th OCTOBER 2018

P.C.:

1] Heard the learned Counsel for parties.

2] By these Petitions, the Petitioner has impugned the orders dated 7th February 2018 passed by the Respondent No.3 as well as the orders dated 22nd March 2018 passed by the Principal Secretary (A & S), Home Department, Government of Maharashtra, Mantralaya, Mumbai, in both the

aforesaid Petitions. Learned Counsel for the Petitioner submits that both the authorities have rejected the Petitioner's Applications and Appeals essentially on the ground, that the Petitioner had not produced the 'No Objection Certificate' of Fire Safety before the Authorities.

3] The Learned Officer of the Deputy Commissioner of Police (Headquarter-1), Mumbai has tendered a letter dated 5th October, 2018 of the Senior Police Inspector (Hotel Branch). The said letter is taken on record. As per the said letter, the Office of the Respondent No.3 has received the 'No Objection Certificate' of Fire Safety dated 8th May 2018. By the letter submitted today, Respondent No.3 has assured that they would consider the Petitioner's application, within 3 months. The statement made in the letter is accepted.

4] It is not in dispute that when the impugned orders were passed, 'No Objection Certificates' of Fire Safety were under process and hence they were not submitted before the Authorities. Today, the Respondent No.3 has received the 'No Objection Certificates' of Fire Safety. Accordingly, the Respondent No.3 is ready to reconsider the Petitioner's applications again, in light of the said Certificates.

5] Considering the aforesaid, the impugned orders dated 7th February 2018 passed by the Respondent No.3 i.e. Deputy Commissioner of Police, Headquarter-1, Licensing Authority, Hotel Branch, Crawford Market, Mumbai as well as the impugned orders dated 22nd March 2018 passed by the Principal Secretary (A & S), Home Department, Government of Maharashtra, Mantralaya, Mumbai, in both the aforesaid Petitions are quashed and set aside.

6] The Petitioners to appear before Respondent No.3 on 15th October 2018 at 3.00 p.m.

7] Respondent No.3 to decide the Petitioner's applications for issuance of licence as expeditiously as possible and in any event within three months from 15th October 2018, uninfluenced by the earlier orders passed by the Respondent No.3 i.e. the Deputy Commissioner of Police or the the orders passed by the Principal Secretary (A & S), Home Department, Government of Maharashtra,. All contentions of the Petitioners are expressly kept open.

8] Accordingly, both the Writ Petitions stand disposed off.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)