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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5479 OF 2018

Amit V. Kadam
(M/s.Kaka Wines)
V/s.

...Petitioner

The Collector of Mumbai & Ors.

...Respondents

Mr.Vishal Thadhani with Ms.Chaitali Gosavi i/b Mrs.Veena Thadhani
for the Petitioner.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 4TH MAY, 2018.

P.C. :-

1. Rule. Learned A.G.P. waives service for the respondents.
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 16th February, 2018 passed by the respondent no.1 thereby suspending FL II licence which was 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 license of the petitioner is suspended till further orders.

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 16th February, 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 16th February, 2018 is stayed till the disposal of the appeal by the appellate authority and for a period of two weeks from the date of communication of the order if the same is adverse 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.)