**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.2137 OF 2019**

Latabai w/o Rajprakash Jaiswal,
Age: 57 years, Occu: Business,
R/o. Nandurbar, Tal. and Dist. Nandurbar ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Secretary,
State Excise Department,
Mantralaya, Mumbai 32

2. The Commissioner of State Excise,
Old Custom Building, Mumbai

3. The Collector,
State Excise, Nandurbar,
Dist. Nandurbar

4. Rekhabai w/o Meharsing Rajput,
Age:  years, Occu: Business,
R/o: City Sy. No. 242,
Near Maharashtra Vyayamshala,
Nandurabar, Tq. and Dist. Nandurabar ..RESPONDENTS

Mr V. S. Undre, Advocate for petitioner;
Mr K. N. Lokhande, A.G.P.  for respondent Nos.1 to 3

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

**DATE  :  15th February, 2019**

**ORAL ORDER:**

Heard learned Counsel for the petitioner.

2. The petitioner is before this Court with a prayer of directions to respondent No.2 - Commissioner of State Excise, Mumbai to decide Appeal No.168 of 2014 filed by respondent No.4 within two weeks.

3. The material placed on record shows that respondent No.4 was served with an order dated 31st March, 2014, passed by the Superintendent, State Excise, Nandurbar. Respondent No.4 was directed to close the business of liquor licence.

4. Being aggrieved by the said order, respondent No.4 preferred an appeal before the Commissioner of State Excise, Maharashtra State, Mumbai. The Commissioner of State Excise, by an order dated 2nd May 2014, on hearing the parties including the petitioner, who appeared before him on caveat, granted stay to the impugned order of the Collector, Nandurbar till final disposal of the appeal. The Commissioner of State Excise then directed the appellant to maintain the account and also took into consideration the periodical inspection of the records and as such, directed the concerned Sub-Inspector of State Excise to certify the account on weekly basis. The Commissioner further observed in the said order that due share of the other parties shall be maintained and further specifically observed that interim order of stay is granted with mutual consent of both the parties.

5. Considering the order passed by the Commissioner of State Excise, Mumbai, we see no reason to entertain the present petition, which is filed at the instance of a party to the appeal proceedings and the order passed by the appellate authority is with mutual consent of the parties. We also see no reason to entertain the petition on the backdrop of the prayer wherein a stipulation of a period is stated by the petitioner.

6. We dispose of the petition and only expect that the Commissioner would decide the appeal expeditiously considering the fact that it is filed in the year 2014.

**(S. M. GAVHANE, J.)** **(PRASANNA B. VARALE, J.)**

sjk