

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 2912 OF 2019

M/s Radico NV Distilleries Maharashtra Ltd.

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. Madhav Ghode, advocate holding for Mr. P.K. Joshi, advocate
for petitioner.

Mrs. G.L. Deshpande, AGP for all respondents

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.**

DATE : 26th March, 2019.

P.C. :

Petitioner, holding licence for manufacture of spirit and portable liquor, claims that pursuant to the policy of the Government, excess fees of Rs. 8,33,814/- paid by him for renewal of the licence for the year 2017-2018, needs to be adjusted. He has invited our attention to the Communication dated 19.04.2018 issued by the Joint Commissioner, State Excise, Aurangabad and also, recommendation given by the Superintendent, State Excise, Aurangabad.

2. Learned AGP submits that the amount once paid is based on the temporary assessment of the production of the said year and as such, there is no need to adjust the amount once paid to the department.

3. Having considered the rival submissions, in similar set of

situation, the Division Bench of this Court at Principal Seat in Writ Petition No. 1544/2018 vide order dated 16.03.2018, has directed the respondent-authorities to consider and decide the representation for refund of excess licence renewal fees paid.

4. In the aforesaid backdrop, it will be appropriate in our opinion, to direct respondent-authorities to take decision on the representation dated 16.08.2018 preferred by the petitioner seeking refund/adjustment of excess licence fees, as expeditiously as possible, in any case, not less than three months from the date of communication of the order.

5. With above directions, writ petition stands disposed of.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

dyb