

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

WRIT PETITION NO. 4860 OF 2018

M/s Kokan Agro Marine Industries
Pvt. Ltd. Lessee M/s Diageo India
Pvt. Ltd. Babargaon .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shashank Shekhar, Advocate I/by Shri Mihir Deshmukh,
Advocate for the Petitioner.

Shri A. B. Girase, Govt. Pleader for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 12TH MARCH, 2019.

FINAL ORDER :

. We have heard the learned counsel for the petitioner and the learned Government Pleader for respondents/State.

2. Mr. Girase, the learned Government Pleader submits that, the impugned demand is under Section 108(A) of the Maharashtra Prohibition Act, 1949 and the petitioner has a remedy of appeal under Section 137(2) of the Maharashtra Prohibition Act, 1949.

3. In the light of that, we are not inclined to consider the submissions canvassed by the learned counsel for the petitioner on merits of the matter.

4. The writ petition is disposed of with liberty to the petitioner to avail the remedy of appeal. If the appeal is filed within a period of fifteen (15) days from today, the respondents shall not raise the question of limitation. In case appeal is filed within a period of 15 days from today, then the interim orders passed by this Court shall continue till the disposal of appeal. All contentions of respective parties are kept open. If the appeal is filed by the petitioner, the amount deposited in this Court pursuant to the interim orders shall be transmitted to the Appellate Forum. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb / March 19