

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

57 WRIT PETITION NO.8008 OF 2018

LALCHAND HIRALAL CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mrs Dube Anjali (Bajpai)
AGP for Respondents State: Mr S B Pulkundwar

CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE : 15th October, 2019

ORDER:

1. The dispute is about the quantum of amount to be paid for renewal of FL-3 licence. The petitioner is operating FL-3 licence bearing No.49 Old No. 81 at Hotel Shantisagar, Gat No.110/2/1, Balapur, Dhjule. The petitioner got renewed the licence for five years from 2016 - 2017 to 2020-2021 by paying licence fee of Rs.2,25,000/-. At the relevant time the said area was categorized as rural area. On 5th January, 2018, the notification was issued and the area of Baolapur, Dhule was brought within the limit of Municipal Corporation Dhule. The respondents now are claiming the licence fee at an urban rate.

2. Mrs Dube, the learned Advocate for the petitioner contends that the licence of the peititoenr was already renewed for five years. In the midst, the respondents

cannot increase the licence fees. The right is crystallized in favour of the petitioner.

3. Mr. Pulkundwar, learned AGP submits that the respondent is not charging the renewal fees as per the urban rate for the year 2016-2017 but for the period the area is included in the Municipal Corporation, the petitioner is liable to pay the renewal fees as per the urban rate.

4. The petitioner is enjoying the benefits of the village-Balapur being brought in the corporation limit. The petitioner is bound to pay the charges as would be applicable for the urban area.

5. The notification including the area of Balapur in the municipal corporation limit is issued on 5th of January, 2018. Almost the year 2017-18 was concluded.

6. In light of above, we pass following order.

O R D E R

The petitioner shall pay the licence fees from the year 2018-2019 as applicable to the urban area. The respondents shall not charge licence fees to the petitioner for the year 2016-17, 2017-18 as applicable to

urban area. The amount that is already paid by the petitioner towards the licence fees shall be adjusted. The remaining amount shall be paid by the petitioner to the respondents.

7. We have passed the order allowing the respondents to charge the renewal of licence fee as per urban area from 2018-19 because the notification is issued on 5th January, 2018, almost at the fag end of the said year and there is no concept of charging monthly fee.

8. Writ petition disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC