

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.370 OF 2019

Nandu Golatker,
H.No.45, Voilem Bhat,
Merces Tiswadi, Goa. Petitioner

Versus

1. State of Goa,
Through Chief Secretary,
Secretariat, Porvorim Goa.
2. The Commissioner of Excise
Office of the Commissioner of Excise
M. G. Road, Panaji Goa.
3. The Superintendent of Excise
Office of the Commissioner of Excise
M.G. Road, Panaji Goa.
4. Superintendent of Police,
North Goa,
Office of the S. P. North Goa,
Porvorim Goa. Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. J. Karn, Advocate for the
Petitioner.

Mr. D. Lawande, Advocate General with Mr. V. Sardesai, Additional
Government Advocate for the Respondents.

***Coram : R. D. Dhanuka &
Prithviraj K. Chavan, JJ.***

Date : 10th April, 2019

Oral Judgment (Per R. D. Dhanuka, J)

Rule. The learned Advocate General for the Respondents waives service.

2. By consent of the parties, the matter is heard finally.

3. Perusal of the Memorandum dated 5th March, 2019 issued by the Superintendent of Excise clearly indicates that the licence granted to the Petitioner has been suspended without issuing any show cause notice and without hearing the Petitioner.

4. The learned Advocate General on instructions states that the impugned Memorandum dated 5th March, 2019 stands withdrawn in toto though the said Memorandum is impugned only by the two of the parties mentioned therein. The Respondents would issue a show cause notice upon the Petitioner and would render an opportunity of being heard to the Petitioner before

passing any fresh order. The Petitioner shall be granted sufficient time to file reply and for hearing before passing any order. The statement is accepted.

5. If any adverse order is passed against the Petitioner by the Authority, the same shall not be implemented by the Authority for a period of two weeks from the date of communication of such order. Rule is made absolute in the aforesaid terms.

6. Parties to act on the basis of the authenticated copy of this order.

Prithviraj K. Chavan, J.

R. D. Dhanuka, J.

*at**