

Vidya Amin.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION No. 2922 OF 2015

The State of Maharashtra & Anr. ... Petitioners
VS.
Kalpvraksh Impex Pvt. Ltd. ... Respondent

Mr. A.R. Patil, APP for the petitioner/State.
Mr. Saurabh Butala a/w. Mr. Amogh Khodye i/b. Harshal
Bhadbhade, Advocate for respondent No. 1.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 25th March, 2019**

P.C. :

Rule. Rule made returnable forthwith. By consent, the Writ
Petition is heard finally and decided at the stage of admission.

2. In this Writ Petition, the order dated 3rd February, 2015
passed by the learned Additional Sessions Judge, Greater
Bombay in Criminal Appeal No. 318 of 2013 thereby allowing the
Appeal and consequential orders of return of oilseeds and rice is
challenged by the State of Maharashtra. The Controller of
Rationing and Director of Civil Supplies by order dated 17th May,
2013 has ordered of seizure of oilseeds and rice from the godowns
of the respondent on the ground the respondent have not renewed

their licence since 2010. The learned Sessions Judge revert that the order on the ground that there is no compliance of the notification dated 20th May, 2010 on the part of the Government, hence this Writ Petition.

3. Learned APP, while arguing this Writ Petition, has submitted that the order passed by the learned Additional Sessions Judge is illegal, as the valid licence is required to stall scheduled items which includes oilseeds and rice and to export the said goods. He submitted that it is an admitted position that on the date of inspection of the godown by the petitioners on 8th March, 2013 the respondent-company was not holding valid licence, therefore, the Controller of Rationing and Director of Civil Supplies has rightly passed the order of seizure of goods.

4. The learned counsel for the respondent relied on paragraphs 15, 16, 17 and 18 of the order of the learned Sessions Judge and justified the same. He has submitted that the Appellate Court has taken into account that the Application for renewal of licence made by the respondent was pending before the Authority when the godown was inspected.

5. Perused the orders passed by the Authority and Appellate Court. Read the Government Notification dated 20th May, 2010. The facts that the inspection was conducted on 8th March, 2010 and at the relevant time, the licence of the respondent-company was not renewed, hence the respondent-company was not holding valid licence cannot be disputed. However, as per the Notification dated 20th May, 2010 issued by the Government itself, if the Application is made for renewal of the renewal, certain requisite conditions are required to be complied with while filling up the said Application for renewal of licence and then it is necessary on the part of the Authority or the Government to inform the objections and compliance of the objections. The Notification further says that if the objections are not removed despite the information given by the Government or Authority, then the said Application can be rejected and if it is complied with, then the Application for renewal was to be allowed. Thus, the notification specifies a step on the part of the authority or the Government of intimating the objections to the applicant, who moves an Application for renewal of the licence. In the present case, no such intimation was given by the Authority about the objections or certain information which is

required to be furnished or which is to be complied with along with the Application for renewal of licence. Under such circumstances, the view taken by the learned Sessions Court and the orders passed therein is found well reasoned. No interference is called for. Hence, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)