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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12145 OF 2016**

Capt. Haresh Gaglani (Retd)

.....Petitioner

V/s.

The Collector of Mumbai (City) and others

.....Respondents

Mr. Prashant G. Pandey Advocate for the Petitioner

Mrs. Veena Thadhani for Respondent no. 3

Mr. S. D. Rayrikar AGP for Respondent nos. 1 & 2

CORAM : S. S. SHINDE, J.**DATE : MARCH 13, 2019.****P.C.**

The learned counsel appearing for Respondent no. 3 submits that remedy of Appeal is available to the Petitioner so as to take exception to the impugned order.

2 The learned counsel for the Petitioner on instructions seeks permission to withdraw this petition with liberty to avail of remedy of Appeal before the Commissioner of State Excise as provided under

Section 37 (2) of Maharashtra Prohibition Act, 1949 within one week from today. However, he prays that the Appellate Authority may be directed to hear and decide the Appeal which would be filed by the Petitioner before the said Authority within stipulated period.

3 Writ Petition is dismissed as withdrawn with liberty as prayed for.

4 In case, the Petitioner files Appeal before the Appellate Authority within one week from today, the Appellate Authority to decide the said Appeal as expeditiously as possible, however, within 10 weeks from today.

5 Needless to observe that if at all there is delay for filing the Appeal, the Appellate Authority shall keep in view the time spent by the Petitioner in prosecuting the present Writ Petition.

[S. S. SHINDE, J.]