

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11200 OF 2019

Gunapal R. Shetty, Partner of
M/s. Hotel Kinara Restaurant & Bar ... Petitioner
Vs.
The Superintendent State Excise and others ... Respondents

Ms Veena B. Thadhani a/w. Mr. Vishal B. Thadhani for Petitioner.
Mr. A. B. Kadam, AGP for Respondents-State.

CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 18, 2019

P.C. :

Heard Ms Thadhani, learned counsel for the petitioner and Mr. Kadam, learned AGP for respondents-State.

2. Considering the grievance expressed by the petitioner and the subject matter of dispute, Court is of the view that the writ petition can be finally disposed of at this stage itself.

3. By order dated 27.09.2019 passed by the office of Collector of Palghar - respondent No.2, the liquor licence held by the petitioner in the name of M/s. Hotel Kinara was suspended till further hearing.

4. Allegation against the petitioner was that he had allowed the premises of M/s. Hotel Kinara for consumption of liquor at 1.00 a.m. on 15th August 2019. On the ground of selling liquor on a dry day i.e., independence day, the impugned order was passed.

5. It is stated that in terms of provisions contained under Section 137(2) of the Maharashtra Prohibition Act, 1949, petitioner preferred appeal before the Commissioner of State Excise i.e. respondent No.3. It is the grievance of the petitioner that while the suspension order is

indefinite, there is no possibility in sight of an early adjudication of the appeal which is causing prejudice to the petitioner.

6. On the other hand, Mr. Kadam, learned AGP submits that the appeal was filed only on 14.10.2019; therefore, it cannot be said that appellate authority has kept the appeal pending.

7. Be that as it may, since petitioner has filed appeal before respondent No.3, it would meet the ends of justice if respondent No.3 decides the appeal expeditiously.

8. Accordingly, petitioner is directed to appear before the appellate authority i.e. respondent No.3 on 04.11.2019 at 11.00 a.m. Appellate authority shall decide the appeal within a period of two months thereafter. During this period, impugned order dated 27.09.2019 shall be kept in abeyance.

9. Writ Petition is disposed of accordingly.

(UJJAL BHUYAN, J.)

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