

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7983/2019

Maharashtra Wine Merchants Association, Nagpur. Through Authorised Signatory-Shri
P.D.Dewani.

Vs.

State of Maharashtra, through the Principal Secretary, Department of State Excise,
Mantralaya, Mumbai and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Sahil Dewani, Advocate for petitioner.

Shri A.M.Kadukar, Assistant Government Pleader for respondent nos. 1 to
3.

CORAM : A.S.CHANDURKAR, J.

DATED : DECEMBER 05, 2019.

Rule. Shri A.M.Kadukar, learned Assistant Government Pleader waives notice for the respondents. Rule is made returnable forthwith.

The petitioner's-Association is aggrieved by the order dated 02.12.2019 that has been passed by the Collector in exercise of powers under Rule 9 A of the Maharashtra Foreign Liquor (Sale on Cash and Sales Register) Rules, 1969 (for short, 'the said Rules') by which it has been directed that all licences issued for selling liquor in the district should not be operated on 07.12.2019 which is the date prior to polling for the elections for various Gram Panchayats as well as on the date of polling which is 08.12.2019 and thereafter when the votes would be counted on 09.12.2019. Referring to the adjudication in Writ Petition No. 7250/2019 with connected matters (*Maharashtra Wine Merchants Association Vs. State of Maharashtra and ors*) decided on 22.10.2019, it is submitted that the polling would be completed

by 6 p.m. on 08.12.2019 and similarly the counting of votes would also be completed by 6 p.m. on 09.12.2019. He therefore submitted that after 6 p.m. on both these dates the members of the petitioner's Association should be permitted to operate their licences.

Shri A.M.Kadukar, learned Assistant Government Pleader for the respondent nos. 1 to 3 submits that the order as passed is in exercise of powers under Rule 9 A of the said Rules. He however does not dispute the earlier orders passed when the elections to the State Assembly had been held.

Considering the orders passed at the Principal Seat and thereafter by this Court in *Maharashtra Wine Merchants Association Vs. State of Maharashtra and ors* (supra) on 22.10.2019, it is found that on 08.12.2019 which is the date of polling the members of the petitioner's Association can be permitted to operate their licences after 6 p.m. to 10.30 p.m. till the time permitted under the licences and thereafter from 6 p.m. onwards on 09.12.2019 as per their licences.

Subject to aforesaid modification of the impugned order, the other conditions imposed therein shall continue to operate. The writ petition is partly allowed. Rule is made partly absolute in aforesaid terms with no orders as to costs.

Authenticated copy of this order be given to the learned counsel for the parties.

JUDGE

Andurkar.