

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

WRIT PETITION NO. 324 OF 2020

Subhash Ramchandra Gavali
Through POA S.V. Bhosale ..Petitioner
V/s.
The Collector of Sangli & Ors. ..Respondents

**WITH
WRIT PETITION NO. 326 OF 2020**

Sunil Ragunath Patil ..Petitioner
V/s.
The Collector of Sangli & Ors. ..Respondents

**WITH
WRIT PETITION NO. 327 OF 2020**

Pradeep A. Patil
Through POA V.A. Satale ..Petitioner
V/s.
The Collector of Sangli & Ors. ..Respondents

Mrs.Veena Thadani a/w Ms.Priyanka Raul i/b Mr.Vishal Thadani for
the Petitioners in all Writ Petitions.

Mr.A.P. Vanrase, AGP for the Respondent-State in WP No.324 of
2020 and 326 of 2020.

Mr.S.D. Rayrikar, AGP for the Respondent-State in WP No.327 of
2020.

CORAM : C.V. BHADANG, J.

DATE : 14th JANUARY 2020

P.C.

1. Heard learned counsel for the petitioners and learned
AGP for the respondents.

2. The limited challenge in these petitions is to the order passed by the Collector (State Excise), Sangli thereby imposing a privilege fee in addition to the composition fee. The contention is that once the matter has been compounded by payment of composition fee there is no authority to levy privilege fee. For this purpose the learned counsel for the petitioner has placed reliance on Rule-6 of the Privilege Fees Rules framed under the Maharashtra Prohibition Act.

3. The learned Assistant Government Pleader points out that a statutory appeal filed by the petitioner against the said order is pending before the Commissioner (State Excise), Maharashtra State where the petitioner can agitate the said ground.

4. The learned counsel for the petitioner points out that the appeal is not yet heard. The learned counsel for the petitioner has submitted that the petitioner shall deposit the composition fee within one week.

5. Considering overall circumstances, in my view these petitions can be disposed of with a direction to the Commissioner (State Excise) to decide the appeal filed by the petitioner within a

period of 12 weeks from the receipt hereof. In the meanwhile there shall not be any coercive steps taken in respect of the imposition of privilege fee, subject to the petitioner depositing the composition fee as ordered within one week. In the event if the composition fee is not deposited within one week the aforesaid order shall stand vacated without further reference to the Court.

6. The parties to appear before the Commissioner (State Excise) on 20th January 2020 at 3.00. p.m.

7. Rival contention on merits are left open.

8. Parties to act on authenticated copy of this order.

C.V. BHADANG, J.