

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.1115 OF 2019**

ANIL B. PALEKAR

.... PETITIONER

Versus

RUKMANGAT HALARNKAR & ORS.

.... RESPONDENTS

Mr. Deepak Gaonkar, Advocate for the Petitioner.

Mr. A.D. Bhobe, Advocate for the Respondent No.1.

Mr. Manish Salkar, Government Advocate for the Respondents No.2 & 3.

Mr. S.D. Padiyar, Advocate for the Respondent No.4.

Coram :- M.S. SONAK, J.**Date :-15th June 2021****ORAL ORDER :**

Heard Mr. Deepak Gaonkar, the learned counsel for the petitioner, Mr. A.D. Bhobe, the learned counsel for the respondent no.1, Mr. Manish Salkar, the learned Government Advocate for the respondents no.2 & 3 and Mr. S.D. Padiyar, the learned counsel for the respondent no.4.

2. After this matter was heard for some time, the learned counsel for the parties agree that the order made by the Commissioner dated 25.06.2019 as well as the order made by the first appellate Authority on

15.11.2019, confirming the same, be set aside and the matter be remanded before the Excise Commissioner for fresh adjudication of the show cause notice. Accordingly, the said orders are set aside.

3. The Commissioner to afford opportunity of hearing not only to the petitioner but also to the respondent no.1, the complainant in the matter. The Commissioner to dispose of the show cause notice on its own merits and without being influenced by the orders earlier made, as expeditiously as possible and in any case within a period of three months from today. All contentions of all parties are left open.

4. Pending adjudication shall not bar respondent no.1 from filing a fresh complaint on fresh grounds in relation to the licence issued to the petitioner. Such complaint, if filed, will have to be considered independently on its own merits and in accordance with law.

5. The petitioner and respondent no.1 to appear before the Excise Commissioner on 21.06.2021 at 11.00 a.m. and file authenticated copy of this order.

M.S. SONAK, J.

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NITI K
HALDANKAR

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