

Vidya Amin

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

WRIT PETITION NO. 5028 OF 2021

M/s. Hotel Rohit Veg Non-Veg Restaurant
through its partners & Ors.

... Petitioners

V/s.

The Collector, State Excise Dept, Pune & Ors. **... Respondents**

Mr. Suresh M. Sabrad for the petitioners.

Mr. S.H. Kankal, AGP for the State.

CORAM : G.S.KULKARNI, J.

DATE : 27 October, 2021

P.C.:

1. Not on board. Upon mentioning, taken on board on a praecipe as moved on behalf of the petitioners for extension of ad-interim relief granted by this Court by an earlier order dated 2 September, 2021, which has continued to operate till date.

2. The challenge in this petition is to an order dated 14 May, 2021 passed by the original authority cancelling the FL-III licence as held by the petitioners under section 54(1)(C) of the Maharashtra Prohibition Act, 1949. Such order passed by the original authority was challenged by the petitioners before the appellate authority, who by the impugned order dated 18 August, 2021 has dismissed the Appeal.

3. As pointed out by the learned AGP, a remedy of a revision under the provisions of Section 138 of the Maharashtra Prohibition Act, 1949 is available to the petitioners to challenge the impugned order.

4. Considering the availability of an alternate remedy to the petitioners and to enable the petitioners to file revision, the ad-interim order passed by this Court on 2 September, 2021 is permitted to remain in operation for a period of four weeks, within which the petition shall file the revision application.

5. In the event, the revision is not filed within a period of four weeks from today, ad-interim protection which is so continued shall cease to operate.

6. Needless to observe that continuation of the ad-interim order is in no manner a reflection of anything in the merits of the petitioner's case and the revisionary authority shall decide the petitioners' revision on its own merits and without being in any manner being influenced by the continuation of ad-interim order.

7. As the limited protection granted to the petitioners by

continuing the ad-interim order would expire as ordered, it is also always open to the petitioners to move an interim application praying for interim relief during the pendency of the revision application. If such an application is filed, let the same be decided on its own merits and in accordance with law.

8. All contentions of the parties on merits are expressly kept open

9. Disposed of in the above terms. No costs.

(G.S.KULKARNI, J.)