

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

WRIT PETITION NO.2004 OF 2008

Amlesh s/o Suresh Jaiswal

...Versus...

**State of Maharashtra through its Secretary, Department of Excise & Prohibition,
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 Zeeshan Haq, Advocate for petitioner.
Shri S. M. Ukey, AGP for respondent nos.1 to 4.

CORAM : AVINASH G. GHAROTE, J.

DATE : 26/08/2021

Mr. Ukey, learned AGP, has placed on record order dated 30.4.2009, by which the amount of Rs.7,62,027/-, which was required to be refunded to the petitioner, has been adjusted in the amount payable on account of renewal of FL-2, CL-FL COD-3 for 2009-10 and therefore, the grievance as recorded in the order dated 9.8.2021 also does not survive. The order with the communication is taken on record and marked as 'X' for identification.

2. It is an admitted position as recorded in the order dated 9.8.2021, that consequent to cancellation of the transfer of licence by

the order dated 22.2.2008, which is impugned in the present petition, the licence has been since transferred, which is reflected from the order dated 30.4.2009, which records its transfer by the order dated 14.8.2008, due to which the plea so far as it challenges the impugned order in the present petition, does not survive. In so far as, the refund of the licence fee for the period licence was not worked, the order dated 30.4.2009, records that an adjustment in the sum of Rs. 7,62,027/- has been done while renewing the licence for the year 2009-10, in view of which, the entire grievance of the petitioner stands redressed. The petition, therefore, has worked out and has become infructuous and accordingly disposed of as such.

JUDGE