

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 WRIT PETITION NO.6701 OF 2021

**AURANGABAD DISTRICT HOTELS RESTAURANT OWNERS
ASSOCIATION**

VERSUS

COMMISSIONER STATE EXCISE AND OTHERS

...

Advocate for the petitioner : Mr.M.K.Deshpande h/f.

Mr.A.P.Jadhav

AGP for Respondent-State : Mr.S.G.Sangle

...

**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 31.03.2022

P.C. :

1. Considering the judgment delivered by the Division Bench of this Court at the Principal Seat dated 29.03.2022 in Writ Petition No.2873 of 2021 filed by the Hotel and Restaurant Association [Western India] and others Vs. Commissioner, State Excise, Maharashtra and others along with other matters, we disposed off other Petitions filed by individual entities by order dated 30th March, 2022.

2. The learned Advocate for the petitioner submits that the petitioner also desires to withdraw this Petition.

3. The petitioner is an Association. In the judgment delivered in Hotel and Restaurant Association [supra], the learned Division Bench observed in paragraph nos.26 to 30 as under:

26. The Petitions are entirely without merit. We express our gravest displeasure at the manner in which they were pressed, knowing full-well of the pressures on this Court with a massive increase in our roster caseloads. There are hundreds of Petitions by individuals, societies and so on pending. They have waited their turn. Their cases are now delayed by this self-indulgent and self serving foreign liquor vending hotels, in whose petition there is no a shred of merit, and some of whose contentions border on the outrageous. Relevant material has been suppressed from the Petition, including the various concessions granted by the State Government and the fact of the number of similarly placed licensees who have paid.

27. We reject both Petitions of 2021. The interim orders are vacated. The interim Applications are disposed of.

28. But we believe it is time to send a firm signal that the time of the court is not to be taken for granted, nor should there be any attempt to gamble on litigation. When a court's time is squandered on frivolous matters, there will be consequences.

29. There will therefore be an order of costs against the eight Petitioners who are Associations (i.e. Petitioners Nos.

1,2,3,5,7,8, 9 and 10) in Writ Petition No. 2873 of 2021, and the 1st Petitioner association in Writ Petition No. 1980 of 2021 in the amount of Rs. 1 Lakh each, i.e. Rs.9 Lakhs in all, to be paid into the Chief Minister's Relief Fund within two weeks from today.

30. There is an application to continue the previous ad-interim order for six weeks. It is submitted that if this is not done, the Petitioners will instantly be defaulters because the period in question is 2021-22. We decline to extend the relief because that would give the petitioners an unfair advantage over others similarly placed and would carve out for them alone a six week time-extension. We have already held that there is no substance whatsoever in the any of the submissions made by the Petitioners and that these petitions are entirely speculative. The Petitioners cannot claim to have been unaware of the possibility of them being in default. This is the price of unwise gambling on litigation. And, moreover, it was the Petitioners who insisted on an urgent priority hearing specifically citing the 31st March deadline as a ground for urgency. Surely the Petitioners could not have taken it for granted that further sops would come their way or that they were entitled as a matter of right to more time.

4. In view of the above, this petition is dismissed as withdrawn by imposing cost of Rs.1,00,000/- (Rupees One lakh) which will be deposited by the petitioner Association in this Court, on or before 20th April, 2022. The

Registry shall donate Rs.10,000/- [Rupees Ten Thousand] to the Advocates' Association of Bombay High Court, at Aurangabad and Rs.45,000/- (Rupees Forty Five Thousand) each to the State Government New Cancer Hospital at Aurangabad and to the Government Medical College and Hospital at Aurangabad, respectively.

5. The learned Advocate for the petitioner Association submits that the members of the Association would deposit renewal license fees today up to 5.00 p.m. We grant the said liberty.

6. Needless to state, if some members of the petitioner – Association, who do not deposit the renewal license fees as directed, the State Excise Department would be at liberty to refuse renewal of their licenses.

[S.G.DIGE, J.]

[RAVINDRA V. GHUGE, J.]

DDC