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

901 WRIT PETITION NO.6499 OF 2021

PRAMILA JAGDISH JAISWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO.7198 OF 2021

KAVITA VITTHAL AKKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO.6707 OF 2021

VISHNU S/O ARUN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO.7615 OF 2021

RAM S/O ASHRUBA JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO.6705 OF 2021

CHANDRAKALA W/O DILIPRAO GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr V. S. Undre, Advocate for petitioners in WP Nos.6499/2021 and 7198/2021

Mr A. R. Gaikwad, Advocate for petitioners in WP Nos. 6705/2021, 7615/2021 & 6707/2021

Mr D. R. Kale, G.P. for respondents/State

CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.

DATE : 30th March, 2022

PER COURT:

1. All these petitioners are identically placed with the petitioners before the learned Division Bench of this Court at the Principal Seat in Writ Petition No.2873/2021 and connected matters (Hotel and Restaurant Association (Western India) & ors. Vs. Commissioner, State Excise, Maharashtra). By the Judgment dated 29/03/2022, the learned Division Bench has made the following observations :-

> *"24. Unfortunately, there is a limit beyond which comparisons are simply odious. A hotel or restaurant serving foreign liquor can hardly be compared to a development and planning authority under the MRTP Act.*
>
> *25. The learned Advocate General submits that 90% of the likely placed FL-III license holders have already paid the revised license fee as prescribed in the impugned notification. He tenders a chart which we take on record. This is a listing by district. Of a total of 17,605 licenses, fully 16,683 licensees have paid one hundred percent, i.e. the full license fee for 2021–2022. Another 922 have paid 50% (as of the date of this hearing). They are expected to pay the rest before 31st March 2022. We find it impossible to believe that the Petitioners did not know this. They*

have not disclosed it. That chart is appended to this order.

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 not 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 2021–2022. 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."*

2. In view of the above, these petitioners seek liberty to withdraw these petitions with the statement being made on instructions that, they would pay the renewal charges/fees till 3.00 p.m. on 31/03/2022.

3. In view of the above, these petitions are dismissed, as withdrawn.

4. In the event, the renewal charges are not paid, the

Competent Authority would refuse renewal to those petitioners, who do not deposit the charges.

(S. G. DIGE, J.) **(RAVINDRA V. GHUGE, J.)**

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