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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2557 OF 2022
IN
WRIT PETITION NO. 7921 OF 2018

Vikramjeetsingh Dhall ...Applicant
Versus
The Collector of Mumbai (City)
and Ors. ...Respondents

ALONGWITH
WRIT PETITION NO. 1236 OF 2020

Pratik Bhupendra Popat ...Petitioner
Versus
Maharashtra State Excise Department
and Anr. ...Respondents

Mr. Veena Thadani i/b Nishal Thadani & Mr. Snehal Gambhir for the
Petitioner in WP/7921/2018 & for the Applicant in IA/2557/2022.

Mr. Amey Patil & Mr. Shanay Bafna, i/b Vivek Kantawala & Co. for the
Petitioner in WP/1236/2020.

Mr. Abhay L. Patki, Additional G.P., for the Respondent/State in
WP/1236/2020.

Mr. S.S.Panchpor, AGP for the Respondent Nos.1 to 3 in IA/2557/2022 and
in WP/7921/2018.

Mr. Sushil Singh i/b Diwakar Gond for the Owner of Taloja Property.

CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
DATE : 26th APRIL, 2022

P.C. :

1. Heard learned Counsel for the parties.

2. On 19th April, 2022, the following order was passed;

“Not on board. Taken on board.

1. *Heard learned counsel for the parties.*

2. *On 5th April 2022, this Court (Coram:G.S. Patel & Madhav J. Jamdar, JJ.) passed an order in the aforesaid Writ Petition, on the basis of the submission advanced by the learned counsel for the petitioners, that the premises in question i.e. Worli godown and the warehouse at Taloja contained only beer and wine bottles and that their shelf life had expired.*

3. *Today the aforesaid application has been filed by the applicant/original petitioner stating therein, that in addition to beer and wine, there is foreign liquor in both the premises. Ms. Thadhani submits that the same was not known to the petitioners and hence the details were not mentioned in the said Writ Petition nor brought to the notice of the Court. She submits that as per the order dated 5th April 2022, the applicants are to handover the premises at Worli to Mr. Popat, today.*

4. *Mr. Patki, learned counsel for the respondent Nos.1 to 3 on instructions states that the respondents will remove all the bottles, including the foreign liquor from the premises, both, at Worli as well as from the warehouse at Taloja latest by 20th April 2022. He submits that liquor which is there in the said premises i.e. at Worli as well as, at Taloja, after removal, will be kept at the Sewree warehouse, after making necessary inventory. Statement accepted.*

5. *On the stock being removed from the said premises the applicant-Shri. Dhall to return the premises to Mr. Popat, as per the order dated 5th April 2022. Ms. Thadani also states that applicant-Mr. Dhall, will also handover the Taloja premises to Mr. Avtarsingh, the owner of the Taloja premises, after the stock is removed. Statement accepted.*

6. *Mr. Patki, learned counsel for the respondent Nos. 1 to 3 seeks*

*time to file affidavit-in-reply. The same to be filed in the Registry before the next date, with an advance copy to the parties.
Stand over to 26th April 2022 at 2.30 p.m.”*

3. Learned Counsel for the applicant states that after the stock of Foreign liquor was removed by the respondent No.1, the premises was handed over by the applicant to Mr. Popat. Learned Counsel further submits that the applicant will hand over the keys of the Taloja premises to Mr. Avtar Singh or or before 2nd May, 2022. She submits that the keys were not handed over, as there were sparkling water bottles (which had expired) in the said premises. She requests that an order be passed for removal of the said sparkling water bottles, which are in the said premises. She requests that directions be given to destroy the same.

4. Mr. Patki, learned Counsel appearing for the respondent Nos.1 to 3 states that alcohol has been removed by the respondents from both the premises i.e. premises at Worli and Taloja, after removing the seals.

5. At this stage, Mr. Patki, learned Counsel for the respondent Nos.1 to 3 submits that the alcohol which was seized from both the premises will be put up for auction, in accordance with the Bombay Foreign Liquor Rules and other rules and regulations in this regard.

6. Mr. Thadani, learned Counsel for the applicant submits that the applicant be permitted to remain present at the time when the said auction is being conducted only to ensure that a fair price is received for the said liquor, as the seized foreign liquor is very expensive. Learned Counsel for the applicant, however, submits that the petitioner will neither participate in the auction nor will raise any objection to the auction proceedings, nor will impede the process of auction in any way. Statement accepted.

7. Having heard learned Counsel for the parties, we permit the applicant to remain present at the time of auction of the foreign liquor bottles which were seized by the respondent Nos. 1 to 3 from the premises at Worli and Taloja. Accordingly, the respondent authorities, to inform the applicant, the date and time of the auction, atleast 48 hours prior to the said auction.

8. Needless to state, having regard to the statement made by the learned Counsel for the applicant, the applicant is not permitted to participate in the auction proceedings, nor will the applicant impede the auction process / proceedings.

9. The applicant is also permitted to remove the sparkling water bottles which have expired, from the Taloja premises. After its removal, the applicant shall destroy the same.

10. We are informed that proceedings are pending before the Collector of Mumbai with respect to the FL-I license. Needless to state that the said proceedings be decided by the said authorities in accordance with law.

11. The application is disposed of in the aforesaid terms.

12. All concerned to act on the authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.