

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

WRIT PETITION NO. 1505/2023

Suresh Gajilal Jaiswal Vs. The State of Maharashtra and Ors.

.....
 Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders

Court's or Judge's order

.....
 Mr. V. S. Undre, Advocate for Petitioner.

Ms N. P. Mehta, Assistant Government Pleader for Respondent Nos.1 to
 5/State.

CORAM : A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI,JJ..
DATED : 18.07.2023

P. C.

. The challenge raised in the present Writ Petition is to the communication dated 06.01.2023 issued by the respondent No.3 by which the petitioner's application for shifting of the CL-III license from Jalna to Chandrapur has not been considered favourably on the ground that a fixed quota of 15% was available and that quota had been exhausted.

2. The learned Counsel for the petitioner submits that after issuance of the impugned communication, a notification has been issued by the Home Department by which the provisions of Rule 25 of the Maharashtra Country Liquor Rules, 1973 have been amended. Instead of 15%, the quota has been increased to 30%. It is, therefore, submitted that the petitioner be permitted to make a fresh application seeking transfer of the CL-III license from Jalna to Chandrapur which could be considered a fresh without being influenced by the order dated 06.01.2023.

3. In view of the aforesaid, the following order is passed :

I] The petitioner is permitted to make a fresh application seeking shifting of CL-III license from Jalna to Chandrapur in the light of the amendment to the Maharashtra Country Liquor (Amendment) Rules, 2023. On such application being made, the respondent No.5 shall consider the same and forward the report in that regard to the respondent no.3. This exercise be undertaken within a period of eight weeks of receiving fresh application of the petitioner.

II] If the respondent No.3 recommends the petitioner's application, further steps in accordance with the prescribed procedure shall be taken expeditiously. The order dated 06.01.2023 would not preclude the petitioner from filing such fresh application.

4. With these directions, the Writ Petition is disposed of.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

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