



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

**REVIEW APPLICATION (CIVIL) NO. 259 OF 2022
IN WP/8186/2019**

BALASAHEB VITTHALRAO TELANG GPA HOLDER FOR RAMESH
BABASAHEB TELANG
VERSUS
DATTATRAYA RAMCHANDRAM BURRA ALIAS BURRAWAR AND OTHERS

...
Mr. R. S. Deshmukh, Sr. Advocate i/b Mr. D. R. Deshmukh, Advocate
for Applicant
Mr. D. J. Patil, AGP for Respondent Nos.2 To 5 And 8
Mr. A. N. Nagargoje, Advocate for Respondent No.1

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th SEPTEMBER, 2024

PER COURT :

1. This petition seeks review of the order dated 10/08/2022, passed by this Court in Writ Petition No.8186/2019. During pendency of this application, by way of amendment applicant has challenged order dated 12/09/2022, passed by respondent No.4, thereby cancelling CL-3 licence of applicant by referring to the order under review.

2. Learned Senior Advocate for review applicant submits that in paragraph No.9 of the order under review it is noted that 7th respondent (applicant) has filed Appeal No.202/2018 before the Commissioner, State Excise, Maharashtra State, which was decided and the matter was remanded back to the Collector for fresh consideration on merit. It is, therefore, observed that the parties are prosecuting the matter before Collector. However, in fact, the

Collector had already decided the said proceeding on 23/12/2019 and the proceeding challenging order passed by the Collector filed by applicant, was pending before the Commissioner. When the order under review was passed by this Court on 10/08/2022, this fact was not brought to the notice of this Court. Commissioner dismissed the said proceeding filed by applicant, hence, applicant approached to the Hon'ble Minister by filing revision, which is pending.

He submits that, since this Court has allowed the writ petition filed by respondent and set aside the order dated 30/05/2019 passed by the Hon'ble Minister, referring to the same the Collector by order dated 12/09/2022 has cancelled the CL-3 licence of applicant. The said order is challenged by way of amendment in the present review application. He, therefore, submits that this is a fit case for review of the order.

3. Learned advocate for respondent No.1, on the other hand, vehemently opposed the review application stating that no ground for review is made out by applicant. He submits that applicant unsuccessfully challenged his renewal of CL-3 licence before the Collector and Commissioner and now said proceeding is carried to the Hon'ble Minister by applicant, which needs to be decided on it's own merit.

4. Review jurisdiction is limited jurisdiction and subsequent orders passed by the authorities cannot be the subject matter of

challenge in review application. Challenge raised by applicant to the order dated 12/09/2022, passed by respondent No.4, thereby cancelling his CL-3 licence, needs to be challenged by him before the appropriate forum and the same cannot be considered in review jurisdiction.

5. Order under review is passed on merits by assigning reasons and no case is made out by applicant to review the same. Application being devoid of merit is rejected. All the contentions raised by the respective parties are kept open.

6. The stay granted by this Court to the order dated 12/09/2022, passed by respondent No.4, is continued for a period of two weeks from today, within which applicant shall challenge the said order before appropriate forum.

7. It is made clear that the authority shall decide the challenge raised to the said order on its own merit, without being influenced by the stay granted by this Court.

(NITIN B. SURYAWANSHI, J.)