



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

914 WRIT PETITION NO. 11857 OF 2024

M/S. J. K. WINE, THROUGH ITS LICENSE HOLDER
SAROJ NAVIN BASANTANI

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Vikram Shivaji Undre.

AGP for Respondent / State : Mr. P. D. Patil.

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CORAM : **KISHORE C. SANT, J.**

DATE : 22nd October, 2024.

P.C.:

. Heard the learned counsels for the parties.

2 Instead of making any observations on merits, this Court has considered the submissions of the learned counsel for the petitioner that in the present case the hearing had taken place on 7th February, 2023, whereas the order is passed on 2nd September, 2024 by the Honourable Minister, (State Excise) on appeal / application bearing No.सीएलआर-११२२/प्र.क्र.२४०/आए-३६/राउशु-३. The learned counsel relies upon the order passed by the Division Bench of this Court in Writ Petition No.4108 of 2011. This Court in the said petition had considered in the said petition that the impugned order was passed on 3rd March, 2011, when the matter was closed for orders on 13th August,

2009. This Court had held that the principle under order XX Rule 1 of the Code of Civil Procedure is applicable even in the cases of the judgments and orders passed by the authorities, which require the judgment to be pronounced within 30 (thirty) days from the date the parties are heard. In case it is not practical then for exceptional and extraordinary circumstances of the case, a future date of pronouncement of judgment can be fixed. Such date shall not be ordinarily beyond 60 (sixty) days from the date of which the hearing of the case was concluded.

3 Considering the above, this Court finds that the impugned order needs to be set aside only on this ground. Accordingly, the impugned order is set aside. The matter is remitted back to the State Government / Secretary for deciding the same afresh. The matter be decided within three months from today by giving fresh hearing to the parties.

4 It is submitted that during the pendency of the appeal before the authority (State Government / Secretary), there was stay granted by authority to the order impugned before the said authority. In view of the same, there shall be stay till 10th November, 2024.

[KISHORE C. SANT, J.]