

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13482 OF 2023

Ganesh Ramesh Jadhav and Another. ...Petitioners.
Versus
State of Maharashtra and Others. ...Respondents.

*Mr. Arvind Tiwari and Shraddha Kadam i/b S. L. Patil for the Petitioner.
Mr. Vikram S. U. for the Respondents.
Ms. M. S. Bane, AGP for the Respondent-State.*

Coram : Sharmila U. Deshmukh, J.
Date : August 27, 2024.

P. C. :

1. After arguing for some time, upon a query by this Court as to whether the matter can be remanded to the Commissioner of State Excise to be decided afresh as the contention of Respondent No. 5 in the revision under Section 138 of the Maharashtra Prohibition Act was that she was not made a party in the appeal filed by the Petitioner before the Commissioner of State Excise, learned counsel appearing for the parties, on instructions, are agreeable to the same.
2. In the light of above, the impugned order dated 14th March 2023 is hereby quashed and set aside. Appeal No.92 of 2019 is restored to the file of Commissioner of State Excise to be decided afresh after hearing all the parties. The Petitioner is directed to amend the appeal

to implead the Respondent No.5 as party to the said appeal. It is made clear that this Court has not gone into merits of the matter and as such all rights and contentions of all the parties are expressly kept open.

[Sharmila U. Deshmukh, J.]