

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1769 OF 2024

VAIDHAV
RAMESH
JADHAV
Digitally signed by
Vaidhav Ramesh
Jadhav
DN: cn=Vaidhav Ramesh
Jadhav, o=VAIDHAV
RAMESH JADHAV, c=IN

Kashish Restaurant & Bar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

Ms. Bobby Malhotra for the petitioner.

Mr. P. G. Sawant, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2024

P.C.:

1. **Rule.** Rule is made returnable forthwith.
2. By show-cause notice dated 20th October 2022, the respondent No.3 called upon the petitioner to show cause as to why the license shall not be revoked. The ground mentioned in the show-cause notice are in relation to paragraphs 2 and 3 in the show-cause notice. However, while passing order of revocation of license, the respondent No.3 has added the grounds in relation to which petitioner was not called upon to show cause.
3. On perusal of the order dated 7th August 2023, it appears that order of revocation of license was based on eleven grounds. Therefore, it appears that the order of revocation of license is based on grounds in relation to the petitioner was not called upon

to show cause. Hence, the order passed by respondent No.3 and confirmed by respondent No.4 cannot be sustained.

4. It will be open for respondent No.3 to grant opportunity of hearing to the petitioner based on grounds in show-cause notice dated 20th October 2022 or else, it shall also be open for respondent No.3 to issue fresh show-cause notice in relation to grounds mentioned in the order dated 7th August 2023. If respondent No.3 proceeds to issue fresh show-cause notice based on grounds mentioned in order dated 7th August 2023, respondent No.3 shall furnish material to the petitioner which will be used against the petitioner.

5. If the respondent No.3 proceeds with show-cause notice dated 20th October 2022, respondent No.2 shall furnish material referred in show-cause notice or which may be used against the petitioner for the purpose of initiating action.

6. Respondent No.3 shall take action in accordance with law against the petitioner if he is satisfied about the grounds after giving opportunity of hearing to the petitioner.

7. Rule is made absolute in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)