

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6525 OF 2024

Associates Wines Pvt. Ltd.,]
MIDC Baramati, Pune] .. Petitioner

Versus

1. The State of Maharashtra,]
Through Home (State Excise) Department.]
2. The Hon'ble Minister for State Excise,]
Maharashtra State.]
3. The Commissioner of State Excise,]
Maharashtra State.]
4. The Collector of Pune]
(State Excise Department), Pune] .. Respondents

Mr. D.B. Savant with Mr. Vinayak Salokhe, Mr. Ramesh Lad, Ms. Megha Jani, Mr. Raj S.M. Satam and Mr. Vedastu Rane, Advocates for the Petitioner in both the Petitions.

Mr. P.P. More, Assistant Government Pleader for the Respondents.

CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ

DATE : 7TH MAY, 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith and heard learned counsel for the petitioner as well as the learned Assistant Government Pleader for the respondents.

2. The petitioner is aggrieved by the communication dated 16th April 2024 that has been issued by the Superintendent, State Excise, Pune whereby it has been observed that in terms of the order passed by the Hon'ble Supreme Court on 11th September 2023 in Special Leave Petition No.29843-29845/2010 (*arising from O.O.C.J. Public Interest Litigation (Lodging) No.36 of 2018 – Jaiprakash Baviskar Vs. State of Maharashtra and Ors.*), it would be necessary for the petitioner to satisfy the demand as made by the Excise Authorities. According to the learned counsel for the petitioner, against the demand notice dated 9th December 2008 and the order dated 23rd February 2018, a Revision Application has been preferred before the State Government. An application for stay has also been filed on 10th November 2023. It is therefore submitted that any coercive recovery without the stay application being considered should not be permitted.

3. In our view, the following directions would meet the ends of justice :-

(i) The respondent no.2 is directed to consider and decide the stay application preferred by the petitioner on 10th November 2023 along with the Revision Application.

(ii) A decision on the stay application be taken after hearing all parties within a period of eight weeks of receiving copy of this order.

- (iii) Till the time the stay application is decided, no coercive steps be taken against the petitioner in terms of the communication dated 16th April 2024.
- (iv) It is however clarified that the stay application shall be decided on it's own merit, without being influenced by these directions.
- (v) All points raised on merits are kept open.

4. Writ Petition is disposed of. Rule accordingly. No costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]