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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12141 OF 2023**

Krushna Firework through Prop. Shri. Dinesh ... Petitioner
T Brahmarkar

vs.

The Divisional Commissioner, Nashik division, ... Respondents
Nashik and Ors

**WITH
WRIT PETITION NO. 9262 OF 2023**

Chetan Vardhaman Badjate ... Petitioner

vs.

The Additional District Collector(Home ... Respondents
Department), Nashik and Anr

Mr. S.C. Mangle for the petitioner in WP/12141/2023.

Mr. Ashwini Shete a/w. Mr. Abhay Dhadiwal a/w. Yash Pandya i/by
Jayakar & Partners for petitioner in WP/9262/23 and for respondent
no.3 in WP/12141/2023,

Mrs. M.S. Shrivastav, AGP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 19th JANUARY, 2024

P.C. :-

1. Learned counsel for the petitioner submitted that the impugned order is passed in the appeal filed under section 6-F of The Explosive Act, 1884, by respondent no.3 challenging the license issued in favour of the petitioner. He therefore submits that under

the aforesaid section, petitioner was not entitled to file the said appeal and hence the appeal was not maintainable.

2. In view of the aforesaid objection, the learned counsel for respondent no.3 on instructions states that he may be granted leave to withdraw his appeal with liberty to file an appropriate proceedings before the licensing authority for redressal of his grievance. Leave granted with liberty as prayed.

3. In view of the aforesaid, writ petition **no.12141 of 2023** is disposed of by passing following order:

I) Respondent no.3 is granted leave to withdraw his Appeal No. 4 of 2023 (Exhibit-I) with liberty to file an appropriate proceeding before the Licensing Authority, consequently, the impugned order dated 25th August 2023, passed in Appeal No. 4 of 2023 stands quashed and set aside.

II) It is clarified that I have not examined the rival contentions of the parties on merits. Hence all contentions of all parties are kept open.

4. Writ petition stands disposed of in the above terms.

5. **Writ petition no. 9262 of 2023 to be listed on 23rd February**

2024.

6. Ad-interim relief already granted to continue till the next date.

(GAURI GODSE, J.)

This order is corrected/modified as per speaking to the minutes order dated 31st January 2024.