



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8905 OF 2024

M/s. Brewcrafts Microbrewing Pvt. Ltd. ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Anay J. Banhatti for Petitioner.

Ms. S. D. Vyas, Addl. G. P. a/w Mr. M. M. Pabale, AGP for Respondent-State.

CORAM : K. R. SHRIRAM &
JITENDRA JAIN, JJ.

DATED : 27th AUGUST 2024

PC.:

1. On 16th July 2024, the following order was passed:-

- “1. Ms. Vyas seeks time to file affidavit in reply. Reply to be filed and copy served by 9th August 2024. Rejoinder, if any, to be filed and copy served by 19th August 2024.
2. Stand over to 26th August 2024.
3. Until 31st August 2024 there shall be Ad-interim relief in terms of prayer clause – (b) which reads as under :
(b) that pending the hearing and final disposal of this petition, this Hon’ble Court be pleased to stay the operation of the impugned Orders and impugned Notices referred hereinabove in clause (a)(i), (a)(ii) and (a)(iii); to stay the recovery notices and such other proceedings initiated by the Respondents as referred hereinabove in clause (a)(iv); to stay the prosecution proceedings as referred hereinabove in clause (a)(v); and to order and direct the Respondents, their subordinates, servants and agents, to forthwith refrain from taking any steps pursuant to the said impugned Orders and impugned Notices.”

2. We are on 27th August 2024 and still no reply has been filed.

Ms. Vyas is seeking further time to file affidavit-in-reply. Mr. Banhatti is opposing.

3. We would purely by way of indulgence grant time upto and including 6th September 2024 to file affidavit-in-reply. Time to file

rejoinder, therefore, extended till 27th September 2024.

4. At the same Respondents have to be put to terms. Respondents have shown utter disregard to the directions given by the Court. If Respondents had any difficulty, they were duty bound to approach the Court and seek extension to file reply, not wait till the matter gets called out and then seek an extension. When the State had sought time to file reply, it was expected that the State should have done the exercise and filed the affidavit-in-reply. It must be kept in mind that parties approach Court only when they are pushed to the wall and when they have no other option due to inaction or incorrect action by State. We find that the State is only indulging in delaying tactics. This approach of Respondents to delay matters has to be deprecated.

5. Therefore, we direct Respondents to pay a sum of Rs.25,000/- as costs for today's adjournment. Mr. Banhatti says it may be given to charity. Respondents shall pay this amount by way of donation to the High Court Legal Aid Fund, Account No.60045304283, IFSC-MAHB0000002, of Bank of Maharashtra, Branch-Fort, Mumbai 400 032, maintained by the High Court Legal Services Committee, Mumbai. Room No.105, 1st Floor, PWD Building, High Court, Mumbai and to furnish the details of such cost to the High Court Legal Services Committee, Mumbai and obtain the receipt thereof physically or through Email, i.e., hclsc.mumbai@gmail.com which shall be the proof of such payment/deposit

6. This amount shall be paid on or before 6th September 2024. Non-payment will result in the amount being doubled for every day's delay and Court may even contemplate initiating contempt proceedings.
7. Respondents may recover this amount from Respondent No.4 or Respondent No.6 whose orders are impugned in this petition or from the officer/s responsible for not complying with this Court's order.
8. Stand over to 7th October 2024.
9. Ad-interim relief granted earlier to continue till 30th November 2024.

[JITENDRA JAIN, J.]

[K. R. SHRIRAM, J.]