



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.208 of 2024

CHANDULAL PREMLAL SUGANDH AND ANOTHER
VS

THE COMMISSIONER OF STATE EXCISE, MAHARASHTRA STATE, MUMBAI AND
ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri T.S. Kene, Advocate for the Petitioner/s
Shri H.R. Dhumale, AGP for the Respondents/State

CORAM : ANIL S. KILOR, J.
DATED : 10.01.2024

1. Heard.
2. This writ petition takes an exception to the order dated 26.12.2023 passed by the Collector, Yavatmal, suspending a licence under Section 51(1)(c) of the Bombay Prohibition Act, 1949 till 31.03.2024.
3. In the present matter, a show cause notice was issued on 19.12.2023 before the impugned order was passed on 26.12.2023. The impugned order was passed after hearing the petitioners. It is pertinent to note that with the show cause notice, the order of suspension of licence was issued and since then, the CL-III shop is not functioning and it is closed.
4. Admittedly, the petitioners have approached the Commissioner of State Excise, Mumbai by filing the appeal against the order dated 26.12.2023 and at the same time, it is alleged that vide order order dated 03.01.2024, the Commissioner orally rejected the application for stay and

therefore, the said oral order is also under challenge in this writ petition.

5. In the above referred backdrop, since the shop has already been closed down in view of the impugned order and considering the fact that the appeal is pending at this stage, I am of the considered view that, the justice would be sub-served, if the direction is issued to the Commissioner of State Excise, Maharashtra State, Fort, Mumbai to decide the appeal finally within one week from the date of appearance of the petitioners, after hearing the petitioners. Accordingly, the writ petition is **disposed of.**

(i) The petitioners are directed to appear before the Commissioner of State Excise, Maharashtra State, Fort, Mumbai on 16.01.2024 at 11.00 a.m. Thereupon, the Commissioner of State Excise shall decide the appeal finally within one week.

[ANIL S. KILOR, J.]