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915- WP-4220-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO. 4220 OF 2025

Shailendra Satyanarayan Jaiswal

VERSUS

The Commissioner State Excise And Others

...

Mr. Ajit Manohar Gholap, Advocate for the Petitioner.

Mr. P. P. Dawalkar, AGP for Respondent-State.

Mr. Rajendra Deshmukh Senior Advocate a/w Mr. Nimish More i/by Mr.
A. K. Tiwari, Advocate for Respondent No.3.

CORAM : KISHORE C. SANT, J.

DATE : 27th MARCH 2025

PC :-

1. Heard the learned Advocates for the respective parties for some time.
2. There is dispute between the parties as regards the CL-III license. A challenge is to an order passed by the learned Commissioner of State Excise, Maharashtra State, Mumbai.
3. At the outset, learned Senior Advocate Mr.Deshmukh, appearing for Respondent No.3, points out that there is an alternate remedy available to the petitioner to approach the State Government by filing

Revision Application under Section 138 of the Maharashtra Prohibition Act.

4. Learned Advocate Mr.Gholap appearing for the petitioner vehemently argued that though the remedy is available, due to time constraint, he has approached this Court as the license fee can be deposited only on or before 31st March 2025. If no order is passed, the Government would not accept the amount of license fee. Since on 29th, 30th and 31st March 2025 happen to be the holidays, it would not be possible for him to approach the State Government and seek necessary order. He has relied upon the order passed by this Court at Nagpur Bench passed in Writ Petition No.216 of 2014 on 25th February 2014 whereby the learned Court had allowed the petitioner therein to run license till orders are passed by the Government. The Court in that order has observed that though clause-10 of the circular dated 20th August 1996 requires that, in case of dispute, the license to be kept under suspension, it is not in the public interest. This Court finds that if clause-10 is however, intact as on today and it is not set aside or quashed, this Court is not inclined to pass any order in favour of the petitioner in view

of clause No.10 of the said circular. Keeping the interest of justice in mind, following order:

ORDER

- (i) The petitioner is allowed to deposit the license fees on or before 31st March 2025.
- (ii) The petitioner to approach the State Government by filing revision.
- (iii) The State Government, in case, such revision is filed, shall decide on or before 17th April 2025.
- (iv) Deposit of the fees shall be subject to out-come of such revision petition and without prejudice to the rights of the parties.
- (v) With this, writ petition stands disposed off.
- (vi) Learned AGP to communicate this order to the concerned authorities telephonically.
- (vii) Parties to act upon authenticated copy of this order.

[KISHORE C. SANT, J.]