



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

960 WRIT PETITION NO. 12670 OF 2025

KAMALBAI BHAGWAN SHETE

VERSUS

THE COMMISSIONER OF STATE EXCISE AND OTHERS

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Advocate for the Petitioner :

Mr. V. D. Hon, Senior Advocate i/b. Mr. Arvind Keshavlal Tiwari

AGP for Respondent/State: Mr. M. K. Goyanka

Advocate for Respondent No.4 :

Mr. V. S. Undre h/f. Mr. Rupesh Anil Jaiswal

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CORAM : ARUN R. PEDNEKER, J.

DATE : 04.11.2025

PER COURT:

1. Heard.

2. The learned counsel appearing for respondent no.4 points out Government Notification dated 29.10.2025 and submits that in exercise of the powers conferred by Section 6 of the Maharashtra Prohibition Act the Government of Maharashtra has appointed Additional Chief Secretary or the Principal Secretary or Secretary, (State Excise) Home Department with all powers, duties and functions of the State Government under Sub-Section 2 of Sections 137 and 138 of the Act and the Rules, Regulations and orders made thereunder. The learned counsel submits that against the impugned order appeal / revision would be maintainable before the Additional Chief Secretary.

He further submits that the respondent are already appearing on caveat and that he would co-operate in early disposed of the appeal / revision if such an appeal / revision is filed.

3. Considering the same, the writ petition is disposed of with liberty to the petitioner to apply before the Additional Chief Secretary / Principal Secretary / concerned authority as the case may be to challenge the impugned order. Since, the authority was not constituted to hear the challenge to the impugned order, the present petition was entertained at an earlier point of time and notices were issued, considering that there was no authority constituted earlier the time spent in prosecuting the present writ petition shall be excluded in computing the period of limitation. It is further directed that in the event, the petitioner has not acted upon the impugned order and that and that the place of business is not commenced / transferred he would not do so for a period of one (01) week from today.

4. These observations are not on the merits of the matter and are only made to enable the petitioner to approach the appropriate authority. In the event, the said appeal / revision is filed before the appropriate authority, the concerned authority to decide the same in accordance with law without being influenced by any observations made by this court hereinabove.

[ARUN R. PEDNEKER, J.]

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