
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4956 OF 2024

Vaibhav Digambar Taware
(M/s. Vaibhav Wines)

...Petitioner

Versus

1. The Collector of Pune,
State Excise Department
2. The Commissioner State Excise,
3. The State Of Maharashtra

... Respondents

Ms. Veena Thadhani a/w. Ms. Rutuja Gaikwad, for Petitioner.

Mr. P. G. Sawant, AGP, for Respondent-State.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : November 25, 2025

ORDER :

1. This Petition impugns an order of suspension that had been imposed on the Petitioner pursuant to a tempo carrying alcohol being found during the period in which prohibition had been imposed pursuant to the electoral model code of conduct. It is the case of the Respondents that the tempo driver attributed the transport of the alcohol to the Petitioner and that formed the basis of a temporary suspension of the Petitioner's premises by an order dated March 13,

2024. The very next day, on March 14, 2025, the Commissioner of State Excise stayed the suspension. Thereafter, on March 22, 2025, the stay order by the Commissioner of State Excise was lifted upon a review of the matter. It is the case of Learned Advocate for the Petitioner that despite the stay on March 14, 2024, the premises had remained closed and the Petitioner has already suffered.

2. On the last occasion, Learned AGP was asked to take instructions as to what final action has been taken *dehors* the stay on the temporary suspension, since nearly one and half years have passed since the passing of the temporary suspension and the proceedings have remained hanging. It is stated that no action has been taken till date, perhaps under the misconception that the stay of the temporary suspension precludes any action being taken.

3. The Advocate for the Petitioner submits that following the precedent in other cases, this Court may be pleased to fix a monetary amount which shall be paid as a penalty in disposal of this Petition so that the uncertainty caused with the proceedings comes to an end.

4. After the matter was argued for some time, it was put to the

Petitioner that if the Petitioner would be willing to submit to an order directing payment of Rs. 1,50,000/-, the proceedings could be disposed of by accepting such

5. amount as a penalty fixed by this Court. The amount involved is being suggested by me in excess of those set out in the precedents cited, in lieu of the nature of the facts involved, in particular, the timing of conduct of elections in the locality. After taking instructions, advocate for the Petitioner has instructions to agree to payment of Rs. 1,50,000/- in lieu of which the proceedings could be finally disposed of. Such payment shall be made to the Respondents within a period of three weeks from today.

6. The Petition is *finally disposed of* in the aforesaid terms.

7. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]