

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4421 OF 2025

Vijay Govind Patil

...Petitioner

Versus

The State Of Maharashtra Through

Dept. Of Excise And Ors

...Respondents

Adv. Neeta P. Karnik, Senior Advocate, Mr. Jimmy Mates Gonsalves i/b Adv. Jovila Jimmy Gonsalves, Adv. Shirang P. Katneshwarkar a/w Mr. Anthony Floriyen Foss, for the Petitioner.

Mr. A.I. Patel, Addl. GP a/w Ms. P.J. Gavhane, AGP for Respondent-State.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 03 APRIL 2025

P.C.:

1. We have heard Ms. Neeta Karnik, learned senior counsel for the petitioner and Mr. Patel, learned AGP for respondent-State.
2. The only grievance of the petitioner is that the petitioner's application for renewal of license to trade in liquor namely the FL-III category license has not been considered by the respondent-authority exercising powers under the Maharashtra Prohibition Act, 1949.
3. Our attention is drawn to a notification dated 29 January 2025 (Exhibit-D page 45) wherein in relation to the place where the petitioner is running its business, namely, village Sasunagar, Taluka. Vasai-Virar, Dist. Palghar, is in the

category of population up to 50,000 and, therefore, the license fee according to the petitioner would be Rs. 86,8000/-.

4. The petitioner has made an application for renewal of its license, which is stated to be received by the concerned authority on 31 March 2025. Such application was submitted with the application fee of Rs. 25/- and not with the renewal fee, as disputed by the petitioner. The petitioner's application would now be required to be decided by the concerned officer taking into consideration the area/village in which the petitioner's business is being undertaken, which according to the petitioner is not an area within the jurisdiction of the municipal corporation.

5. We are informed by Mr. Patel that although the process was initiated to notify the group of villages, which included the village Sasunagar, Taluka. Vasai-Virar, Dist. Palghar where the petitioner is conducting its business, the final notification under section 3(3)(a) of the Maharashtra Municipal Corporation Act is not notified. If that be so, the concerned officer would be required to take an appropriate view of the matter in deciding the renewal application.

6. Ms. Karnik, has also brought to our notice a notification dated 14 February 2024 issued by the State Government under the provisions of Section 3(3)(a) of the Maharashtra Municipal Corporation Act whereby the State Government has notified 29 villages proposed to be included in the Vasai Virar city, which according to Ms. Karnik presupposes that the petitioner village Sasunagar is not a part of the Vasai-Virar city and/or part of the Municipal

Corporation area. A final notification declaring the petitioner's village to fall within the Municipal Corporation jurisdiction of the Vasai-Virar Municipal Corporation is yet to be published and hence, the petitioner's village is stated to be outside of the Municipal Corporation jurisdiction. This legal position would be required to be borne in mind by respondent no. 8 in deciding the petitioner's application.

7. We accordingly dispose of this petition, directing respondent no. 8 to decide the application for renewal of FL-III license within a period of two weeks from today in accordance with law and more particularly applying the appropriate renewal fees as per notification dated 29 January 2024.

8. All contentions of the parties are expressly kept open.

9. Writ petition stands disposed of. No costs.

10. The parties to act on authenticated copy of this order.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]