

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9402 OF 2025**

Hey Hotels and Restaurant Pvt. Ltd. ... Petitioner
versus
The State of Maharashtra and Ors. ... Respondents

Mr. Suresh Sabrad with Mr. Amey C. Sawant, Ms. Neha Parte, Mr. Pratik Sabrad, for Petitioner.

Mr. S.D.Rayrikar, AGP for Respondent No.1.

Ms. Sayali Apte i/by Mr. P.G.Lad, for Respondent No.4.

CORAM: N.J.JAMADAR, J.

DATE : 11 JULY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 7 July 2025 passed by the Collector, Mumbai Suburban District, cancelling the licence of the Petitioner bearing FL III No.5184402/2540 granted on 21 December 2023.
3. On 10 June 2025, in view of the submission on behalf of the Petitioner that the Petitioner was not provided an effective opportunity of hearing, learned AGP was requested to take instructions as to whether on 7 July 2025, the District Collector had provided an effective opportunity of hearing to the Petitioner.
4. Today, the learned AGP tendered a copy of the Roznama dated 7 July 2025 for the perusal of the Court. In the Roznama, there are entries to the effect that the Advocate appeared on behalf of the Petitioner and made

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submissions. Thereafter, impugned order came to be passed.

5. Even though, the said Roznama indicates that the Advocate appeared and made submissions, the impugned order does not reflect whether the Advocate for the Petitioner was heard, and the contentions raised on behalf of the Petitioner in the reply filed and the submissions canvassed on behalf of the Petitioner. The impugned order records that Mr. Vinayak Salokhe was present and he submitted written arguments. It stops at that.

6. Had the Respondent No.2 recorded the submissions canvassed on behalf of the Petitioner and the reasons which weighed with Respondent No.2 in repelling those submissions, different considerations would have come into play. Prima facie, the impugned order appears to have been passed without providing an effective opportunity of hearing to the Petitioner. The impugned order singularly lacks consideration and application of mind to the submissions on behalf of the Petitioner. Therefore, the impugned order cannot be sustained. The Proceedings No.FLR 112023/10717/K/E-1/3025 are, thus, required to be remitted back to the District Collector, MSD for afresh determination after providing an effective opportunity of hearing to the Petitioner.

7. Hence, the following order :

ORDER

- (i) The Writ Petition stands allowed.

(ii) Proceedings No.FLR 112023/10717/K/E-1/3025 stands remitted back to the District Collector, MSD for a fresh determination after providing an effective opportunity of hearing to the Petitioner.

(iii) The Petitioner shall appear before the Collector, MSD, for hearing on 14 July 2025 at 3.00 p.m.

(iv) It is hereby made clear that the Petitioner shall not seek any adjournment.

(v) It is further clarified that this Court has not entered into the merits of the matter and the Collector, MSD shall decide the said proceedings as expeditiously as possible, on its own merits and in accordance with law.

(N.J.JAMADAR, J.)