

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10494 OF 2025

Hey Hotels And Restaurant Private Limited ..Petitioner
Thorough Its Authorised Sinnatory Parashar
Pabitra Sahu

Versus

The State of Maharashtra Through The Secretary ...Respondents
Department of Excise and Ors

Mr. Suresh Sabrad, with Vivek Salokhe, Amey Sawant, Neha Parte
and Pratik Sabrad and Ishwari Kudalkar, for the Petitioner.

Smt. T.J. Kapre, AGP, for Respondent Nos. 1 to 4-State.

Mr. P. G. Lad, for MHADA.

Mr. M.B. Chavan, Deputy Supdt, State and Excise, Mumbai Suburban,
present in Court.

CORAM: N. J. JAMADAR, J.

DATED : 31st JULY 2025

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** The Petitioner is aggrieved by the non-consideration of the prayer of the Petitioner to stay the effect and operation of the order passed by the Collector, State Excise, dated 18th July 2025, cancelling FL-III license of the Petitioner.
- 3.** In fact, this is the second round of the proceeding before this Court.

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4. The Petitioner had directly approached this Court, aggrieved by an order dated 7th July 2025 passed by the Collector, Mumbai Suburban District, cancelling the license of the Petitioner on the ground that an effective opportunity of hearing was not provided to the Petitioner.

5. By an order dated 11th July 2025, the said Petition was allowed and the Collector, Excise was directed to decide the proceeding No. FLR 112023/10717/K/E-1/3025, afresh after providing an effective opportunity of hearing to the parties.

6. By an order dated 18th July 2025, the Collector (Excise) has again ordered the cancellation of the license granted to the Petitioner.

7. Being aggrieved, the Petitioner has preferred an Appeal before the Commissioner of State Excise on 22nd July 2025. It is the grievance of Mr. Sabrad, the learned Counsel for the Petitioner, that despite the Petitioner's repeated request for hearing on the Stay Application, the Commissioner Excise did not hear the Application and, eventually, by an oral order rejected the Application.

8. Smt. Kapre, the learned AGP, on instructions of the officer, Mr. M.B. Chavan, Deputy Superintendent, State and Excise, Mumbai Suburban, who is present in Court, submits that the Application has not been heard and the Commissioner (Excise) will issue notice for hearing of the Appeal by tomorrow and, in a week's time, the Commissioner (Excise) will pass reasoned order on the Application for stay of the

order passed by the Collector(Excise) cancelling the license of the Petitioner.

9. In view of the aforesaid statements, the Petition stands disposed with the following directions.

(i) The parties shall appear before the Commissioner Excise on 4th August 2025 at 12.00 noon.

(ii) The Commissioner Excise shall make an endeavour to hear and decide the Petition as expeditiously as possible, and if it is not possible to hear and decide the matter finally, the Application for stay to the order passed by Collector Excise be decided, in any case, within a week's time.

(iii) It is hereby made clear that, this Court has not entered into the merits of the matter and the Commissioner shall decide the Appeal and the Stay Application on their own merits.

[N. J. JAMADAR, J.]