

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

WRIT PETITION NO.16606 OF 2025

- | | | | |
|----|-----------------------------------|-----|-------------|
| 1) | Shri Balkrishna Gopal Telang |) | |
| 2) | Shri Anil Balkrishna Telang |) | |
| | Partners : Vikrant Wines. |) | |
| | Add: Shop No.6, 'G' Ground Floor, |) | |
| | "A" Anant Park, Rahatani Kalewadi |) | |
| | Tal : Haveli, Pune-411 018 |).. | Petitioners |

Versus

- | | | | |
|----|--------------------------------|-----|-------------|
| 1) | The State of Maharashtra |) | |
| | Through it Principal Secretary |) | |
| | State Excise Department |) | |
| | Mantralaya, Mumbai-400 031. |) | |
| 2) | The Collector |) | |
| | State Excise Department, Pune, |) | |
| | Having Office at Pune |) | |
| 3) | The Superintendent, |) | |
| | State Excise Department, Pune, |) | |
| | Having Office at Pune |).. | Respondents |

Mrs. Veena Thadhani a/w Ms.Rutuja Gaikwad i/b Mr. Arvind Aswani for the Petitioners.

Mr. S.L. Babar, A.G.P. for Respondent No.1 to 3-State.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 16th DECEMBER 2025

Judgment (Per Sandesh D. Patil, J)

- 1) Heard learned Counsel for the parties.
- 2) **Rule.** Rule is made returnable forthwith and by consent of the parties, taken up for final disposal.
- 3) Mr. S.L. Babar, learned A.G.P. waives notice on behalf of Respondent Nos.1 to 3.
- 4) By the present Petition, the Petitioners have prayed for quashing and setting aside of the impugned communication dated 28th November 2025, issued by the Respondent No.3 on approval of the Respondent No.2-The Collector, State Excise Department, Pune.
- 5) This matter appeared before us on 8th December 2025, when issued notices to the Respondents. When the matter appeared before us on 15th December 2025, Mrs. Veena Thadhani, learned Counsel appearing for the Petitioners stated that despite the fact, that notices were issued by this Court, the Respondent No.2 arbitrarily and

highhandedly, passed an Order dated 9th December 2025, thereby suspending F.L.-II License of the Petitioner. She sought the consequential amendment to the Petition.

6) On 15th December, 2025, considering what was disclosed by the learned Counsel for the Petitioners, we had directed Mr. Sanjay Kohle (Inspector of Excise, Pune) and Mr. Brahmanond Redekar (Sub-Inspector of Excise, Pune) to remain personally present on 16th December 2025.

7) Today, when the matter appeared before this Court, the learned Counsel for the Petitioners stated that the entire exercise was carried out with utmost haste precisely at the behest of a local MLA. She further stated that although the matter appeared before this Court on 8th December 2025, and despite the Respondent Nos.1 to 3, being represented by the A.G.P. on 9th December 2025, the Order; subsequently impugned; in the Petition was passed. She submitted that the Order was passed arbitrarily, highhandedly and is an example of colourable exercise of power. She further stated that the Order was under the direction and influence of an influential MLA. She further stated that the Petitioners were issued license in question in the year

2009 and for last 16 years, the Petitioners were conducting their business. She stated that the entire exercise was undertaken at the behest of a local MLA as well as to support other liquor shops/bars, which had come up in the same building, where the shop of the Petitioners is situated. She stated that the Petitioners were not given a hearing in the matter and that it was only the Petitioners, who were targeted. She lastly stated that the notice dated 28th November 2025 was issued on the premise, that certain complaints were received from the occupants of the society, however, the Order dated 9th December 2025, was passed on a totally different ground.

8) Mrs. Thadani, the learned Counsel appearing for the Petitioners submits that despite being fully aware that hearing of the present Petition was scheduled on 8th December 2025 and despite being aware that the High Court commences its work on 11.00 a.m., the Respondents intentionally, deliberately and highhandedly scheduled the hearing at 10.00 a.m. on 8th December 2025, obviously with an ulterior motive of frustrating and prejudicing the proceeding before this Court. She further submits that the Petitioners could not attend the hearing scheduled on 8th December, 2025, as they were present before this Court. She states that

in any event, the Petitioners were not provided with a complete set of material documents forming the basis of the proceeding, till date, and hence, the Petitioners could not have participated in the proceeding, effectively. She states that the Order dated 9th December 2025, is passed behind the Petitioners' back.

9) Mr. S.L. Babar, learned A.G.P. for the Respondents supported the Order. He submitted that he had communicated the Order dated 8th December 2025, to the Respondents. He further stated that the Order was passed after taking into consideration the complaint(s) of the residents of the building. He stated that the Order was correctly issued and that the Petition be dismissed.

10) We have heard the learned Counsel appearing for the parties. We have perused a copy of the notice dated 28th November 2025, as well as the Order dated 9th December 2025, passed by the Respondent Nos.1 to 3. The manner in which the entire episode had taken place is quite disquieting. The matter appeared before this Court on 8th December 2025, on which date this Court had issued notice to the Respondents. The learned A.G.P. was present on behalf of the Respondents. The

Respondents, thus, knew that the matter was kept for hearing on 11th December 2025. Despite the same, the Respondents exhibited a tearing urgency in this matter and infact passed an Order dated 9th December 2025. What is further appalling is that the notice dated 28th November 2025, mentions that action is initiated at the behest of the residents of the building, however, upon a perusal of the Order passed by the Authority, i.e. the District Collector, Pune, the reasons given therein, are totally different. There is not even a whisper about the complaint(s) made by the residents of the building, while reaching to conclusion for passing the impugned Order. Further in the impugned Order dated 9th December 2025, as well as the impugned notice dated 28th November 2025, there is a specific mention of a letter dated 14th April 2025, received from the local MLA. The shop in question is operating pursuant to the license issued in the year 2009, thus the shop is being operated in the premises since last 16 years, in this scenario there is no whisper of any complaint made by the residents of the society. Further as stated by the Petitioners, there are many other bars/shops in the same building where the present shop is being operated, however, no action appears to have been taken against the other shops. This statement of the learned Counsel for the Petitioners is not denied by the learned A.G.P., who appears for the

Respondent Nos. 1 to 3.

11) We find substance in the contention of the learned Counsel for the Petitioners that the reasons stated in the showcause notice dated 28th November 2025 and the conclusion arrived at by the Respondent No.2, are not congruent. Thus, the impugned Order was passed on a different ground than what was put to the Petitioners in the showcause notice. The entire exercise thus *prima facie*, appears to be initiated *mala fide*. The Apex Court in the Judgment of ***M/s Armour Security (India) Ltd. Vs. Commissioner, CGST, Delhi, reported in 2025 INSC 982***, held as under :

“85. From the above exposition of law, we can safely conclude that a show cause notice delineates the scope of the proceedings in the expression of subject matter with which the authority would be dealing. It would be impermissible for an authority to invoke such rules, claims or grounds at a later stage which do not figure in the show cause notice.....”

12) The entire decision making process appears to be shrouded with suspicion. In this premise, we have no other alternative, but to quash and set aside the impugned Order dated 9th December 2025, passed by

the Respondent No.2. We direct the Respondent No.2 to hear the matter afresh, after giving opportunity of hearing to the Petitioners. Respondent No.2, to thereafter, pass a reasoned Order, after hearing the parties uninfluenced by the earlier Order.

13) For the reasons mentioned above, we allow the Petition and pass the following Order.

: Order :

- (1) The impugned Order dated 9th December 2025, passed by the Respondent No.2, is quashed and set aside.
- (2) The Respondent No.2 to decide the proceeding afresh, uninfluenced by its earlier Order dated 9th December 2025.
- (3) In the event, after hearing the parties afresh, the Respondent No.2 passes an adverse Order to the Petitioners, same should not be implemented for a period of four weeks thereafter.
- (4) We make it clear that we have not expressed any

opinion on merits and as such keep all contentions of all the parties on merits, open.

- (5) With the aforesaid observations, the Petition stands disposed of.
- (6) Parties to act on the authenticated copy of this Order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)