

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

WRIT PETITION NO.17383 OF 2025

Vijay Dayaram Bajaj)
Age 53 Years, Occ. Business,)
R/o. Flat No.205, Jamatani Impression,)
Tapovan Mandir Road, Opp, SBI,)
Pimpri Pune-411 017.)
Dist. Pune) ... Petitioner

V e r s u s

1. The State of Maharashtra through)
its District Collector, Pune, Dist. Pune)
2. The Superintendent of State Excise,)
Pune. Dist. Pune.) ... Respondents

Mrs. Veena Thadani a/w Ms. Rutuja Gaikwad for the Petitioner.

Mr. B.V. Samant, Addl. G.P. a/w Mr. S.P. Kamble, A.G.P. for Respondent No.1-State.

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

DATE : 23rd DECEMBER 2025

Order (Per Sandesh D. Patil, J.)

- 1) Heard learned Counsel for the parties.
- 2) Mr. B.V. Samant, Addl. G.P. waives notice on behalf of the Respondent No.1-State.

3) By the present Petition, the Petitioner challenges the Order dated 28th November 2025, whereby the Petitioner's CL-III Licence No.300, was suspended by the Respondents.

4) Mrs. Veena Thadani, learned Counsel appearing for the Petitioner submitted that on 9th May 2001, the Petitioner was constrained to shift his licence to the present premises, after Permission was granted to him by the Competent Authority. She submits that the Co-operative Housing Society was constructed thereafter in the year 2008. She submits that the entire action was taken by the Respondents at the behest of one Mr. Shankar Jagtap, a local MLA. The said MLA had raised a starred question in the Assembly, seeking closure of the Petitioner's business. She submits that on 25th November 2025, a show cause notice was issued to the Petitioner asking him to show cause as to why the business of the Petitioner should not be closed down on account of complaints of the society, as the premises did not have a completion/occupation certificate. She further states that suddenly on 28th November 2025, without giving opportunity to the Petitioner, the impugned Order was passed. She states that on 2nd December 2025, she had filed an Appeal before the Competent Authority, which is Appellate Authority along with the RvC

Application for stay. However, on 18th December 2025, the Application for stay was orally rejected by the Commissioner State Excise.

5) Mrs. Thadani, states that she had complied with the provision of Rule 25 of the Maharashtra Country Liquor Rules, 1973. She states that thereafter the said provision was amended and that the amended Rule 25(d)(v), is not applicable in her case, essentially, because she had shifted the business in the year 2001, which is prior to issuing of the Notification dated 20th April 2005. Hence, she has filed the present Writ Petition.

6) Mr. B.V. Samant, learned Addl. G.P. for the Respondent No.1- States that the action was taken in as much as it was in breach of condition of the licence which was granted to the Petitioner, namely, that the premises in which business is conducted, should be in a legally constructed building/structure.

7) Mr. Samant, Addl.G.P. submitted that since the Maharashtra Country Liquor Rules, 1973, were amended on 20th April, 2025.

- 8) We have heard the learned Counsel for the respective parties.
- 9) Admittedly, the statutory Appeal is pending before the Appellate Authority and that the Order 28th November 2025, is *sub-judice* before the Statutory Appellate Authority. Since the matter is *sub-judice* before the Appellate Authority, we find no reason as to why the Petitioner should approach this Court during the pendency of the said Appeal.
- 10) We, therefore, direct the Respondent No.4, before whom the Appeal of the Petitioner is pending to dispose of the said Appeal within a period of five weeks from today.
- 11) The Petition is allowed and disposed of accordingly.
- 12) We make it clear that we have not expressed any observation on merits of this matter and that disposal of the present Writ Petition should not be construed against the Petitioner, while deciding the Appeal.

13) Appeal be decided in accordance with law, uninfluenced by the observations made in the impugned Order.

14) Place the matter for recording compliance on 3rd February, 2026.

15) All parties to act on the authenticated copy of this Order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)