

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 17383 OF 2025

Vijay Dayaram Bajaj ...Petitioner
Versus
The State of Maharashtra Thr. Its
District Collector & Anr. ...Respondents

Ms. Veena Thadhani a/w Ms. Rutuja Gaikwad for the Petitioner.

Ms. Pooja Joshi Deshpande, A.G.P h/f Mr. Samant, Addl.G.P, for the
Respondent-State.

**CORAM : SARANG V. KOTWAL &
SANDESH D. PATIL, JJ.**
DATE : 29th JANUARY, 2026

P.C. :

1. This matter is circulated before this Court by the learned
Counsel for the petitioner for speaking to the minutes by tendering
two separate praecipies.

2. Vide the first praecipe, the learned Counsel is seeking
correction in the order dated 19th December, 2025 and vide the

second praecipe, she is seeking correction in the order dated 23rd December, 2025. Both these orders were passed by the Division Bench (*Coram : Revati Mohite Dere & Sandesh D. Patil, J.J.*). The Hon'ble Ladyship Smt. Revati Mohite Dere has now become the Chief Justice of Meghalaya High Court. The Hon'ble Shri. Justice Sandesh D. Patil is a member of this Bench and therefore, we are entertaining these two praecipes.

3. After hearing the learned Counsel for the petitioner, we are of the opinion that there is no reason to change the order dated 19th December, 2025. However, the order dated 23rd December, 2025 needs some clarification / modification.

4. Paragraph 4 reads as under :

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

The first modification is in paragraph 4 as the date of filing of the appeal before the Competent Authority is mentioned as 2nd December, 2025. Infact, the correct date according to the learned Counsel for the petitioner is 8th December, 2025. Therefore, the said date in paragraph 4 be corrected to 8th December, 2025. Para 4 now be read as under :

"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 8th December 2025, she had filed an Appeal before the Competent Authority, which is Appellate Authority along with the Application for stay. However, on 18th December 2025, the Application for stay was orally rejected by the Commissioner State Excise."

5. Paragraph 10 reads as under :

"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."

This is a typographical error as there is no respondent No.4 in this petition. The appeal is pending before the Commissioner, State Excise. The direction is in respect of the appeal pending before that authority. Therefore, paragraph 10 now be read as under :

"10. We, therefore, direct the Commissioner, State Excise, before whom the Appeal of the Petitioner is pending to

dispose of the said Appeal within a period of five weeks from today.”

6. The order dated 23rd December, 2025 stands corrected to the aforesaid extent only. Rest of the order shall remain as it is. This order shall be read together with the order dated 23rd December, 2025.

SANDESH D. PATIL, J.

SARANG V. KOTWAL, J.