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924-WP-3553-2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 3553 OF 2026

Daniel Christopher Bauer

...Petitioner

V/s.

The Additional Commissioner Konkan  
Division

...Respondent

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**Mr. Amrut Joshi** with Yazad Vdwadia with Mani Thevar and Mr. Atharva  
Utekar i/b Ganesh and Co. for Petitioner.

**Mrs. V. R. Raje, AGP** for Respondent-State.

**Ms. Akanksha Kelkar** Respondent No.3-in-person present in Court.

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**CORAM: SANDEEP V. MARNE, J.**

**DATED: 27 MARCH 2026.**

**P.C.:**

1) The Petition challenges order dated 4 February 2026 passed by Competent Authority by which a condition is imposed for depositing of outstanding monthly license fees by the Petitioner while granting leave to defend.

2) As the hearing of the Petition progressed, Mr. Joshi, the learned counsel appearing for the Petitioner fairly submits that the Petitioner is willing to vacate the possession of the licensed premises on

14 April 2026. He further submits that Petitioner is also willing to pay to Respondent No. 3-licensor the entire outstanding license fees up to 14 April 2026 after adjusting the amount of security deposit of 7,00,000/-. He submits that after adjusting the amount of security deposit of Rs. 7,00,000/-, the outstanding amount of license fees as on 14 April 2026 is Rs.3,58,750/-. Accordingly Mr. Joshi has handed over to Respondent No. 3 demand draft of amount of Rs. 3,58,750/-, which Respondent No. 3 has accepted without prejudice to her rights and contentions. Respondent No. 3 can encash the same. Petitioner shall also handover possession of the licensed premises to Respondent No. 3 on 14 April 2026 which Respondent No. 3 shall accept without prejudice to her rights and contentions.

3) It is the case of Respondent No. 3 that the possession of licensed premises by the Petitioner is unauthorized from 15 May 2025 and that she is entitled to recover from the Petitioner, the amount of penalty in respect of unauthorized occupation of the premises. This contention is disputed by the Petitioner. Be that as it may. As of now, the impugned order of the Competent Authority is virtually complied with since the entire amount of normal license fees (after adjusting the amount of security deposit) is paid over to Respondent No. 3. The Petitioner therefore can have unconditional leave to defend. The Competent Authority shall accordingly take on record the Petitioner's written statement and consider the same on merits.

4) Accordingly, order dated 9 March 2026 passed by the Competent Authority directing that Eviction Application shall proceed without written statement of the Petitioner, is set aside.

5) With the above observations and directions, the Writ Petition is **disposed** of.

6) All rights and contentions of the parties on merits are expressly kept open to be agitated before the Competent Authority. The time fixed by this court vide order dated 2 February 2026 for decision of Eviction Application is extended up to 30 April 2026.

[SANDEEP V. MARNE, J.]