

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

LD-VC-57 OF 2020

**WRIT PETITION NO. OF 2020
(To be numbered subsequently)**

Hotel and Restaurant Association Western India and ors.Petitioners
versus
The Commissioner, State Excise, Maharashtra and ors.Respondents

Mr. Virag Tulzapurkar, Senior Counsel along with Mr. Sameer Pandit and Mr. Pranay Kamdar i/b. Wadia Ghandy and Co., advocates for the petitioners.

Ms. Geeta Shastri, AGP along with Mr. Abhay Patki, AGP for the respondents.

CORAM : N. J. JAMADAR, J.

DATE : 12th MAY, 2020.

P. C. :

1. Heard learned counsel for the parties.
2. The Challenge, in this petition, is to the notification dated 30th January, 2020, issued under Maharashtra Potable Liquor(Periodicity and Fees for grant, renewal or continuance of a license) Rules, 1996, whereby the license fee was enhanced.
3. In the backdrop of the COVID-19 pandemic and the lock-down measures taken by the Government by a Circular dated 26th March, 2020,

the license holders were granted the facility of paying the enhanced license fees in three instalments i.e. 25% by 30th June, 2020, 25% by 30th September, 2020 and remaining 50% by 31st December, 2020. It seems that the members of the petitioner-Association made a representation seeking rollback of the enhanced license fees. Thereupon, a circular dated 13th April, 2020, came to be issued, whereby, an option was given to the license holders to pay the license fees at pre-revised rates with the condition that the entire license fees shall be paid by 30th April, 2020.

4. Mr. Tulzapurkar, learned senior counsel for the petitioners, submitted that in view of the extended lock-down measures, the members of the petitioner-Association have not been able to carry on any business. In the circumstances, the condition to pay the entire licence fees by 30th April, 2020, operates onerously against the license holders. At this stage, the petitioners are seeking extension of time to pay the license fees at the un-revised rate.

5. Mr. Patki, learned AGP, opposed the prayer. It was submitted that already an option is given to the license holders to pay the license fees at pre-revised rate in one instalment and at revised rate in three instalments. Thus, the petitioners do not deserve any further extension of time.

6. Evidently, in view of the lock-down measures, the business, in general, has come to a standstill. The members of the petitioner-Association may not be an exception. Since the Government has graciously permitted the license holders to pay the license fees at pre-revised rate, on account of exigency of the situation, an extension of time till 1st June, 2020 to pay the license fees at pre-revised rates in terms of the Circular dated 13th April, 2020, would not cause any serious prejudice to the State. Thus, the time stipulated by the Circular dated 13th April, 2020, to pay the license fees at pre-revised rate stands extended till 1st June, 2020.

7. Mr. Tulzapurkar, learned senior counsel, submitted that the petitioner be given liberty to move the Court, in the event, the lock-down is further extended. Having regard to the time which is being granted to the petitioners to pay the license fees at pre-revised rates, it would be unreasonable to keep the matter pending consideration. Thus, the liberty sought for by the learned senior counsel for the petitioner is refused.

8. Considering that the above matter has been heard via Video Conferencing due to the COVID -19 pandemic, it will not presently be possible to sign the copy of this order. In these circumstances, the order will be digitally signed by the Personal Secretary of this Court. All

concerned will act on production of a digitally signed copy of this order sent by fax or email.

[N. J. JAMADAR, J.]

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