

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1596 OF 2022

Rajendrakumar A. Agarwal

.. Petitioner

Versus

The Principal Secretary,
State Excise, Mumbai & Ors.

.. Respondents

.....

- Mr. Anoop U. Patil, Advocate for Petitioner
- Ms. Aloka Nadkarni, AGP for Respondent Nos. 1 to 6 & 8

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 11, 2025

P. C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Ms. Nadkarni, learned AGP for Respondent Nos. 1 to 6 & 8.

2. Present Writ Petition is filed in the year 2022 challenging the order dated 01.01.2021 passed by the Principal Secretary, State Excise Department in Appeal No. 6/2021 filed under Section 137 of the Maharashtra Prohibition Act, 1949. Appellant in the said Appeal is the Petitioner before me. His case is that he along with 3 other partners namely Sonabai A. Agarwal, Krushnarani C. Agarwal (mother of private Respondent i.e Respondent No. 7) and Usha V. Agarwal was running a partnership firm called M/s. Ganesh Trading Company and holding CL-II Licence in its name for conducting liquor business at Survey No. 6/1, B-2, Plot Nos. 1 and 2, Rajjyoti Nagar, Burudgaon Road, Maliwada, District Ahmednagar ("**the said premises**"). It is

Petitioner's case that when the said CL-II license was due for its yearly renewal at the end of financial year on 31.01.2015, Respondent No. 7 in collusion with his mother Krushnarani C. Agarwal, one of the partners of M/s. Ganesh Trading Company and his father defrauded the other 3 partners by filing forged and fabricated documents seeking renewal of the said licence from the Licensing Authority in his name. The forged and fabricated documents were to the effect that previous partners of M/s. Ganesh Trading Company did not intend to continue with the said business and on the strength of the said documents, private Respondent No. 7 obtained new CL-II licence bearing No. 625 in his name to carryout the liquor business in the name of M/s. Ramkrishna Trading at the same address. When this fact came to the knowledge of the Petitioner and other partners, they objected and filed appropriate complaints before the Commissioner State Excise on 13.04.2015 and 02.05.2015. Report was also called for on these complaints. Commissioner State Excise rejected the said Complaints leading to Petitioner filing the Statutory Appeal under Section 137 before the State. That Appeal is nomenclatured as Appeal No. 6/2021 and it is decided by the impugned order dated 01.09.2021.

3. *Prima facie* after going through the impugned order and the record of the case, I have impressed upon Mr. Patil that there appear to be several disputed questions of facts. Be that as it may, I am informed

that copy of the Petition has been served on all Respondents. However Respondent No. 7 has refused to accept the service of Petition. Affidavit of service to that effect has been filed on record on 06.01.2023.

4. Considering the aforesaid controversy, if learned AGP desires to file affidavit in reply, the same shall be filed positively on or before the next date by placing on record all appropriate documents to satisfy the Court on the basis of the Application made by private Respondent.

5. Copy of this order shall be placed on Respondent No. 7 by Advocate for Petitioner. It is clarified that if there is no representation from Respondent No. 7, this Court shall not await his presence and determine the present Petition on its own merits in accordance with law. It is made clear that non filing of reply shall not preclude the Court from determining the present Writ Petition in accordance with law.

6. Stand over to **18th August, 2025.**

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date: 2025.08.11
18:07:10 +0530