

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 14551 OF 2024**

Amit Ganpat Yadav. ...Petitioner.

**Versus**

State of Maharashtra and Others. ...Respondents.

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*Mr. Vikram S. Undre (through VC) for the Petitioner.*

*Mr. P. V. Nelson Rajan, AGP for the Respondent-State.*

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**Coram : Sharmila U. Deshmukh, J.**

**Date : October 18, 2024.**

**P. C. :**

1. Heard.
2. By this petition, the challenge is to the order dated 24<sup>th</sup> September 2024 passed by the Minister for State Excise, Government of Maharashtra rejecting the FL-III license granted to the Petitioner, on a complaint made by Respondent No.5—financial institution claiming that by virtue of financial assistance given, the symbolic possession of the subject property has been taken over by the Respondent No.5.
3. Learned counsel appearing for the Petitioner would point out that an application for new license was granted on 28<sup>th</sup> November 2023 which was later renewed and is in operation till 31<sup>st</sup> March 2025. He submits that the Respondent No.5 preferred a revision application though not a party to any of the proceedings by which the license was granted to the

Petitioner claiming to have obtained symbolic possession of subject property. He submits that the Minister based on the solitary reason that the loan has not been repaid and symbolic possession has been granted to the Respondent No.5, cancelled the license of Petitioner. He submits that the license is granted to the business and there is nothing on record to show that actual possession of the premises has been taken over by the Respondent No. 5. He submits that parallel proceedings in respect of the said loan are pending adjudication.

**4.** Learned AGP appearing for the Respondent Nos. 1 to 4 seeks time to take instructions. At his request, stand over to **25<sup>th</sup> November 2024**. Issue notice to the Respondent No.5 returnable on 25<sup>th</sup> November 2024. In addition to Court notice, advocate for the Petitioner to serve the Respondent No.5 by private notice by all possible modes of service and file affidavit of service before the next date.

**5.** Considering that the license was issued on 28<sup>th</sup> November 2023 and its validity is till 31<sup>st</sup> March 2025, the mere fact that symbolic possession is claimed to have been taken by the the Respondent No.5 financial institution, *prima facie* cannot be the reason for cancellation of licence granted in favour of the Petitioner. Hence, there shall be ad-interim relief in terms of prayer Clause (b).

**[Sharmila U. Deshmukh, J.]**