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

WRIT PETITION (L) NO. 11776 OF 2021

**Federation of Retail Traders Welfare
Association**

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Jamshed Mistri, a/w. Mr.Dipesh Siroya for the Petitioner.

Ms.Jyoti Chavan, A.G.P. for the State – Respondent Nos. 1 and 3.

Mr.Anil Sakhare, Senior Advocate, a/w. Ms.Pooja Yadav, i/b.
Ms.Aruna Savla for the Respondent No.2.

CORAM: R. D. DHANUKA AND

MADHAV J.JAMDAR, JJ.

DATE : 25th MAY, 2021

(VACATION COURT - THROUGH VIDEO CONFERENCE)

P.C:-

Heard learned counsel for the parties.

2. It is the grievance of the petitioner association which is Federation of Retail Traders Welfare Association that though various incentives are offered to hawkers and others during the pandemic crises by the State Government, no such packages has been announced for the retail traders. The petitioner has also made a separate representation to the Municipal Corporation for waiver of various taxes and for various exemptions. By letter dated 6th May, 2021, the Municipal Corporation

KVM

2/3

11-WPL 11776 OF 2021.doc

has informed the petitioner that the proposal for cancellation of licences issued under section 313(1) (b) (c) has been submitted to the Legal Department for their opinion and the same is awaited. Regarding waiving of licence fees for sign board licence for name board (non commercial), no directives have been received from competent authority by the Superintendent of Licences, Municipal Corporation of Greater Mumbai and thus the request of the petitioner cannot be considered at this juncture.

3. One of the major grievance of the petitioner is that though under various SOPs issued by the State of Maharashtra including last SOP dated 13th April, 2021 and more particularly in clause 16, E-commerce is permitted only for supply of essential goods and services, various suppliers are supplying non-essential services also in gross violation of the said SOP dated 13th April, 2021. It is the case of the petitioner that though this violation is brought to the notice of the State Government, no action has been taken till date to stop this ongoing violation.

4. State Government is directed to file affidavit within two weeks from today and to indicate as to whether any incentives which were offered to the hawkers due to their sufferings during pandemic can be offered to the retail traders.

5. The State Government will also indicate the steps already taken or would be taken against those dealers, for supplying various non-essential items in violation of clause 16 of the SOP dated 13th April, 2021, if any. We direct that if the State Government finds any such violation, an action shall be immediately taken against those dealers and to stop such violation.

6. Municipal Corporation is directed to file an affidavit and shall indicate the steps taken by the Municipal Corporation and proposed to be taken pursuant to the representation made by the petitioner regarding waiver of licence fees and for other exemptions/concessions sought by the members of the petitioner association. Such affidavit in reply shall be filed within two weeks from today with a copy to be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within one week thereafter with a copy to be served upon the respondents' advocates simultaneously.

7. Place the matter before the Regular Court on **21st June, 2021**.

[MADHAV J. JAMDAR, J.]

[R. D. DHANUKA, J.]