



ARBITRATION AND CONCILIATION

Bombay High Court Strikes Down Arbitrary Police Action: 24×7 Convenience Store Can Operate Legally Without Unlawful Restrictions

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The Bombay High Court has delivered a landmark judgment affirming the right of a 24×7 convenience store to operate without unlawful interference from the police. The case, Accelerate Productx Ventures Pvt. Ltd. v. State of Maharashtra, highlights the court's stance against arbitrary administrative actions and highlights the importance of legal clarity in regulating business operations.

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Background of the Case

Accelerate Productx Ventures Pvt. Ltd., operating under the brand “The New Shop,” introduced a 24×7 convenience store in Hadapsar, Pune. Recognized as a startup by the Department for Promotion of Industry and Internal Trade (DPIIT) and registered as a Micro, Small, and Medium Enterprise (MSME), the petitioner sought to cater to the public's needs through its around-the-clock retail model. However, police officers from the Hadapsar Police Station allegedly imposed arbitrary restrictions, demanding that the store close by 10:00–11:00 p.m. Despite no legal basis for such restrictions under the Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017 (2017 Act), the petitioner faced persistent coercive actions from the police.

Steps Taken by the Petitioner

Before resorting to legal action, the petitioner exhausted all administrative remedies. In June 2024, it filed a Right to Information (RTI) application seeking clarification on whether additional permissions were required to operate the store beyond 10:00–11:00 p.m. The response from the State clarified that no restrictions or permissions were necessary. Undeterred, the petitioner also submitted written representations to the Pune Police Commissioner and the Deputy Commissioner of Police, but these efforts were ignored. Personal visits to the police station proved equally futile. With no resolution in sight, the petitioner filed a writ petition in the Bombay High Court under Article 226 of the Constitution, seeking a mandamus writ to prevent the police from forcing the store to close.

Legal Provisions and State's Stance

The 2017 Act empowers the State to regulate opening and closing hours for specific classes of establishments, such as liquor shops, theatres, and cinemas. However, no such restrictions apply to convenience stores like the petitioner's. A notification dated 31 January 2020 further allowed theatres and cinemas to operate 24 hours, emphasizing that no time restrictions apply to other establishments. The State of Maharashtra confirmed in its reply affidavit that the petitioner's store could operate 24×7 without any legal barriers.

Police's Misunderstanding and Admission

The Hadapsar Police Station admitted that the restriction was imposed due to a misunderstanding. The store's sale of food items led to an incorrect assumption that it might fall under the ambit of eating houses, which are subject to different regulations. However, the police clarified that no written orders were issued, and the restriction was purely oral. They acknowledged no intention to prohibit lawful activity and conceded that no restrictions apply to the petitioner's store.

Court's Analysis and Judgment

The Bombay High Court meticulously analysed the legal provisions and the State's notifications. It found no justification for the police's actions, emphasizing that 24×7 stores are a global trend benefiting consumers and boosting the economy. The court highlighted that the State, as a welfare entity, must facilitate lawful business activities without infringing on fundamental rights. In its judgment, the court allowed the writ petition and issued a mandamus writ directing the police not to coerce the petitioner into

closing its store after 10:00–11:00 p.m. The court's decision reinforces the principle that arbitrary administrative actions cannot override lawful business operations.

This judgment serves as a reminder that businesses operating within legal frameworks deserve protection from unwarranted interference. It highlights the judiciary's role in upholding constitutional and statutory rights, ensuring that lawful enterprises can thrive without unnecessary bureaucratic hurdles.

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