

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(THROUGH VIRTUAL MODE)**

WP(C) No.2376/2022
CM Nos.7476/2022 & 6468/2022

M/s Blue Bird Bar and Restaurant Petitioner(s)/Appellant(s)

Through :- Mr. K.D.S Kotwal and
Mr. Rahul Singh Sohil, Advocates.

V/s

Union Territory of Ladakh and others Respondent(s)

Through :- Mr. Vishal Sharma, DSGI.

Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE

ORDER
18.08.2023

1. Through the medium of this petition, the petitioner seeks a direction to the respondents to decide his application for renewal of licence and allow him to operate his business establishment. Additionally, the petitioner seeks quashing of sealing order of his premises, if any, passed by the respondent No.3.

2. The case of the petitioner is that he is running a Bar under the name and style of M/s Blue Bird Bar and Restaurant at Skara, Leh and on 11.12.2021, the Excise Department conducted inspection of his premises. Certain discrepancies are alleged to have been found with regard to invoicing and sale of liquor and, as such, the respondents sealed the business premises of the petitioner on the same date. It is contended that as a consequence of aforesaid inspection, a challan came to be presented before the Chief Judicial Magistrate, Leh, under Section 48 of the Excise Act, 1958, whereby respondent No.3 has raised a demand of ₹13,92,900/- against the petitioner, which included additional assessment fee. It is further contended that the petitioner has deposited the said

amount on 06.01.2022 and to evidence this fact he has placed on record a copy of the receipt as Annexure-III with the petition. However, despite depositing the entire amount as raised, the respondents have not allowed the petitioner to conduct business in his premises without assigning any reason. Thus, the petitioner has filed present petition seeking aforesaid reliefs on the strength of averments made in it.

3. Mr. K.D.S Kotwal, learned counsel appearing for the petitioner, submits that the petitioner has filed a representation dated 07.08.2023 before respondent No.3 for renewal of the licence for the year 2023-24, however, the same is still pending till date.

4. In view of the innocuous prayer made by the petitioner, instead of keeping this petition as pending consideration, I deem it appropriate to dispose of the same and, as such, this petition is, **disposed of**, with a direction to respondent No.2 (the Excise Commissioner, Ladakh) to consider and decide the representation contended to have been filed by the petitioner before respondent No.3 (the Excise and Taxation Officer, Excise Range Leh-Kargil), for renewal of the licence for the year 2023-24. Let this exercise be undertaken and completed by respondent No.2 within a period of two weeks from the date a copy of this order along with complete set of petition is made available to him by the petitioner. In the event, an order, of which petitioner feels aggrieved, is passed, he shall be at liberty to question the same before the appropriate forum.

5. Disposed of as above along with connected application.

(Tashi Rabstan)
Judge

Jammu:
18.08.2023
Surinder

Whether the order is reportable?

Yes/No