

GAHC010253722023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/3359/2023

NAVNEET SHARMA
S/O. RAMESWAR SHARMA, R/O. SONAI BAZAR, P.O. SONAI, DIST.
CACHAR, ASSAM, PIN-788119.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY COMMISSIONER AND SECRETARY, EXCISE DEPARTMENT TO THE
GOVT. OF ASSAM, DISPUR, GUWAHATI-781006, DIST. KAMRUP (M),
ASSAM.

2:DEPUTY COMMISSIONER

CACHAR
SILCHAR
ASSAM
PIN-788001.

3:ADDL. DEPUTY COMMISSIONER

CACHAR
I/C. EXCISE
SILCHAR
ASSAM
PIN-788001.

4:SUPDT. OF EXCISE

CACHAR
SILCHAR
ASSAM
PIN-788001.

5:THE PRINCIPAL SECRETARY OF THE GUARDIAN MINISTER OF DISTRICT
CACHAR
HAVING ITS OFFICE AT ASSAM SACHIVALAYA DISPUR GUWAHATI 781006
DISTRICT KAMRUP (M)

6:THE SELECTION COMMITTEE OF IMFL OFF SHOP LINCENCE SONAI
OFFICE OF THE PRINCIPAL SECRETARY EXCISE DEPARTMENT PO ASSAM
SACHIVALAYA DISPUR GUWAHATI 781006 DISTRICT KAMRUP (M).

7:SUDIPTO SEKHAR PAUL

S/O DIPON KUMAR PAUL
R/O. N. S. AVENUE
BHUBAN SARANI RANGIRKHARI
DIST. CACHAR
SILCHAR-788005
ASSAM

Advocate for the Petitioner : MR G N SAHEWALLA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

07.02.2024

1. Heard Mr. G.N. Sahewalla, learned Senior Counsel for the applicant/respondent no.5. Also heard Mr. R.R. Gogoi, learned Standing Counsel, Excise Department for the respondent no.1 and Mr. K. Gogoi, learned counsel for the respondent nos.2 & 3. Mr. G. Bhardawj, learned counsel appears for the writ petitioner.

2. By this application, the applicant is seeking a direction to the respondent no. 3, to issue the IMFL OFF License to the applicant/respondent no.5.

3. Shri Sahewalla, the learned Senior Counsel submits that though the process for issuance of the IMFL OFF licence is the subject matter of challenge in the main case, in the interim order dated 02.09.2022, this Court had observed that the issuance of the license, if any, in favour of the applicant, would be subject to the outcome of the writ petition. He submits that the Government has accorded sanction for issuance of the licence, pursuant to which the applicant has made the deposit of the license fee as well as the security deposit. However, the matter is pending before the Deputy Commissioner, who is not taking any steps in issuing the IMFL OFF licence to the applicant.

4. Mr. K. Gogoi, learned counsel appearing for the Deputy Commissioner's office submits that the IMFL Off licence has not been issued to the applicant, in view of the pendency of the present writ petition.

5. On perusing the order dated 02.09.2022 passed by this Court, it is seen that this Court had observed as follows :

“It is, however, made clear that issuance of licence, if any, in favour of respondent no.5 shall be subject to the outcome of the writ petition”.

6. The above observation made by this Court in the order dated 02.09.22022 shows that there is no impediment for the respondent authorities to issue the licence to the applicant/respondent no.5, as the same in any event, would be subject to the outcome of the writ petition.

7. Consequently, in view of the reasons stated above, the IA stands closed and disposed off.

JUDGE

Comparing Assistant