

GAHC010265462024



2024:GAU-AS:12798

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

Case No. : WP(C)/6699/2024

LOBEN BATHARI
S/O LATE RANGMA BATHARI
R/O UMRANGSO
DIST. DIMA HASAO, ASSAM
PIN-788931

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF EXCISE, DISPUR, GUWAHATI-781006

2: SUPERINTENDENT OF EXCISE
COLLEGE ROAD
HAFLONG
DIMA HASAO
-788819

3: THE DEPUTY SUPERINTENDENT OF EXCISE
COLLEGE ROAD
HAFLONG
DIMA HASAO-788819

4: THE DISTRICT COMMISSIONER
DIMA HASAO
HAFLONG-78881

Advocate for the Petitioner : MR B PATHAK, MR. M SHARMAH, MR B HAZARIKA, MS M
TIWARI, MR V KUMAR

Advocate for the Respondent : GA, ASSAM, SC, DIMA HASAO

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 17-12-2024

Heard Mr. A Choudhury, learned counsel appearing on behalf of Mr. B Pathak, learned counsel for the petitioner. Also heard Mr. RR Gogoi, learned counsel for the Excise Department, Mr. G Bokalia, learned counsel for the respondent No. 4 as well as Ms. RM Deka, learned counsel for the respondent Nos. 2 & 3.

2. The petitioner's case is that the petitioner is a proprietor of M/s L.B. Bathari Wine Bar, holding a valid license for retail vending for Indian made foreign liquor for public consumption at Umrangso, Dima Hasao, Assam. The petitioner's grievance is that he needs to transport liquor under Form-27 from the bonded warehouse to the petitioner's wine bar. However, Form-27 which has been submitted by the petitioner to the Excise Department has not been approved till date.

3. Mr. RR Gogoi, learned counsel for the Excise Department submits that he has received instructions to the effect that the petitioner's request to transport liquor under Form-27 had been approved by the competent authority on 06.12.2024 and the same was valid till 12.12.2024.

4. Mr. A Choudhury, learned counsel for the petitioner submits that the petitioner was not made aware of the fact that his Form-27 had been approved.

5. On considering the fact that the petitioner's Form-27 had been approved by

the Excise Authorities for transportation of liquor from the bonded warehouse to the petitioner's wine bar and that the same had expired due to non communication of the same to the petitioner, this Court is of the view that the petitioner should submit a fresh Form-27 to the Excise authorities. The non-communication of the approval of the petitioner's Form-27 not being attributable to the petitioner, the petitioner should submit another application under Form-27 to the respondent No. 2. The respondent authorities shall ensure that the approval of Form-27 is made known to the petitioner, atleast six days before the validity of the Form-27 expires.

6. The writ petition is disposed of accordingly.

JUDGE

Comparing Assistant