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

Case No.: WP(C)/3656/2026

RAJPAT
SON OF BAIJ NATH AUTHORISED PERSON OF M/S STAR HOTEL (T SIN Q BAR CUM RESTAURANT
LICENCE NO.- 33/ 93-94) HAVING ITS ADDRESS AT BEDI MARKET
1ST FLOOR
DR. R.P. ROAD
GANESHGURI
GUWAHATI- 06
WARD NO. 19
IN THE DISTRICT OF KAMRUP M
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM DEPARTMENT OF EXCISE
DISPUR
GUWAHATI-06.

2:THE SUPERINTENDENT OF EXCISE
HOUSEFED COMPLEX
DISPUR BELTOLA ROAD KAMRUP METROPOLITAN ASSAM
GUWAHATI- 06.

3:THE DISTRICT COMMISSIONER
KAMRUP METROPOLITAN
ASSAM
GUWAHATI-05

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. S. A. Hussain, Advocate

For the Respondent(s) : Mr. R. R. Gogoi, SC, Excise Deptt.

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 17.07.2026

Whether the pronouncement is of the Operative part of the judgment? : Yes

Whether the full judgment has been Pronounced? : No

JUDGMENT AND ORDER (ORAL)

Heard Mr. S. A. Hussain, the learned counsel appearing on behalf of the Petitioner. Mr. R. R. Gogoi, the learned counsel appears on behalf of the Excise Department.

2. The present writ petition has been filed by the Petitioner challenging the order dated 04.07.2026 by which the Petitioner's On License Shop, namely, "T Sin Q Bar" was suspended by the Respondent No.3 until further orders.

3. It is the specific case of the Petitioner herein that the impugned order dated 04.07.2026 was passed without giving an opportunity to the Petitioner to show cause.

4. In the backdrop of the above, let this Court now deal with the facts involved. The Petitioner herein is the holder of an IMFL ON Bar-cum-Restaurant license in respect of "T Sin Q Bar" having its place of business at Bedi Market, 1st Floor, Dr. R. P. Road, Geneshguri, Guwahati in the district of Kamrup (M), Assam.

5. It is the specific case of the Petitioner that the Petitioner had paid the up-to-date license fees and had also paid an additional amount on account of extending the period of the license operating hours. It is the specific case of the Petitioner that on 04.07.2026, the impugned order was passed thereby suspending the Petitioner's license until further orders basing upon a complaint of the Deputy Commissioner of Police, East Police District, Guwahati. The Petitioner thereupon submitted a representations dated 06.07.2026; 07.07.2026 and 09.07.2026. However, the said representations were not taken into consideration and it is under such circumstances that the present writ petition has been filed.

6. This Court heard the learned counsels appearing on behalf of the parties and have also perused the materials on record including the impugned order dated 04.07.2026. From a perusal of the impugned order, it is seen that the power exercised to pass the impugned order is under Section 30 of the Assam Excise Act, 2000 (for short, 'the Act of 2000').

7. In the backdrop of the above, if this Court takes note of

Section 30 of the Act of 2000, it would transpire that the power is conferred upon the Authority who granted the license, permit or pass under the Act of 2000 to cancel or suspend the license for the reasons which have been mentioned at Clauses (a) to (d) of Section 30 of the Act of 2000. Clauses (a), (b), and (d) of Section 30 of the Act of 2000 admittedly is not applicable to the present case. Under such circumstances, the power which was exercised under Section 30 of the Act of 2000 has to be traced to Clause (c) which stipulates that the power to cancel or suspend the license can be exercised in the event of any breach by the holder thereof or by his servants or by anyone acting on his behalf with his express or implied permission, of any of the terms or conditions of such license, permit or pass.

8. It is the opinion of this Court that when a breach is being alleged, an opportunity to show cause should have been granted to the license holder prior to exercising the authority to suspend or cancel in as much as the exercise of such power would depend upon the subjective satisfaction of the Authority. This subjunctive satisfaction of the Authority cannot be unilaterally assumed on the basis of an alleged breach without providing an opportunity.

9. This Court has also perused the impugned order dated 04.07.2026 and a perusal thereof would show that the said suspension order has been passed without specifying any time

period. It is also not mentioned that the suspension was pending drawal of proceedings for cancellation. Under such circumstances, it is the opinion of this Court that the impugned order violates the mandate of Article 21 of the Constitution in as much as the said order had been passed without following the principles of natural justice which is a facet of Article 21 of the Constitution.

10. In view of the above, the instant writ petition stands disposed of with the following observations and directions:

(i) The impugned order dated 04.07.2026 passed by the Respondent No.3 is set aside and quashed.

(ii) This Court though has set aside and quashed the impugned order dated 04.07.2026, however, liberty is granted to the Respondent Authorities, and more particularly to the Licensing Authority, to take steps in accordance with law, if there is any violation committed by the Petitioner to the terms and conditions of the license.

(iii) The learned counsel appearing on behalf of the Petitioner submitted that the Petitioner, under no circumstance, would violate the terms and conditions of the license. This aspect is taken as an undertaking given before this Court and under such circumstances, the setting aside of the impugned order dated 04.07.2026 shall not permit the Petitioner to violate the terms and conditions of the license as well as the provisions

of the Act of 2000 and the Rules framed thereunder.

11. There shall be no order as to costs.

JUDGE

Pradip Kumar Kalita

Digitally signed by Pradip Kumar Kalita
Date: 2026.07.17 19:30:50 +05'30'

Comparing Assistant