



CNR: KAHC010526602024

NC: 2026:KHC:37818-DB
WA No. 1389 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 1389 OF 2024 (EXCISE)

BETWEEN:

1. M/S. SANDESH ENTERPRISES
REPRESENTED BY ITS
MANAGING PARTNER
H S SAGAR
S/O LATE SHIVALINGAPPA
HAVING HIS ADDRESS AT
#36/6, SRINIVAS REDDY BUILDING
SECTOR -2, HSR LAYOUT
SOMASUNDARAPALYA
BENGALURU - 560 027

...APPELLANT

(BY SMT. POONAM S. PATIL, ADVOCATE)

AND:

1. THE EXCISE COMMISSIONER OF KARNATAKA
2ND FLOOR, TTMC BUILDING
A BLOCK, BMTC SHANTI NAGAR
BENGALURU - 560 027
2. DEPUTY COMMISSIONER OF EXCISE
BENGALURU URBAN DISTRICT (SOUTH)
PRESENTLY BENGALURU
URBAN DISTRICT (BUD-7) - 560 027

Digitally
signed by
AMBIKA H B
Location:
High Court
of Karnataka



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3. THE STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF EXCISE
VIDHANA SOUDHA - 560 001
4. H S SHAI LAJA
AGED ABOUT 60 YEARS
W/O M C SHIVALINGAIAH
RESIDING AT SHIVASAILANILAIAH
VIVEKANANDA NAGARA
RAMANAGARA TALUK
RAMANAGARA DISTRICT
KARNATAKA - 581 453

...RESPONDENTS

(SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 TO R-3
SRI. B.N. SHETTY, ADVOCATE FOR R-4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 READ WITH RULE 26 OF THE WRIT PROCEEDING RULES, 1997 PRAYING TO SET ASIDE THE ORDER DATED 06/08/2024 OF THE LEARNED SINGLE JUDGE OF THIS HONBLE COURT IN WP NO.17073/2024 AND ETC.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 06.08.2024 passed by the learned Single Judge in Writ Petition No.17073/2024 (Excise). The appellant had filed the said petition, *inter alia*, impugning an order dated 22.04.2014 passed by



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the Deputy Commissioner insofar as it relates to allocating CL-2 and CL-9 licences standing in the name of the appellant firm (M/s. Sandesh Enterprises) to its individual partners to be operated independently.

2. The appellant had filed an appeal against the order dated 22.04.2014 before the Excise Commissioner, which was dismissed. The appellant had thereafter preferred an appeal (Appeal No.259/2024) before the Karnataka Appellate Tribunal [KAT], which was pending at the material time. While the appeal was pending before the KAT, the appellant had preferred the writ petition.

3. The principal ground urged by the appellant was that the licences (CL-2 and CL-9) which were granted in the name of the appellant firm could not be split between the constituent partners. The controversy arises in view of the disputes that had arisen between the partners of the appellant firm.

4. Plainly, the *inter se* disputes of the partners of the firm do not concern the Excise Department. Since the Excise Department has



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granted licences to the appellant firm, the licences may be renewed in the name of the said firm or be transferred in accordance with the applicable rules. If the conditions of the licences are not complied with, it would be necessary for the Excise Department to take appropriate steps, including cancellation of the licence. However, it would be inapposite for the officials of the Excise Department to enter into the disputes of the partners and further decide as to which partner would carry on what portion of the business. These disputes are clearly outside the purview of the officials of the Excise Department. The Excise Authorities must necessarily confine themselves to the conditions applicable for the issue of a licence, its renewal, its cancellation, and other matters provided for under the relevant statutes and rules.

5. The learned Single Judge also noted that the appellant had instituted parallel proceedings: an appeal before the KAT and a writ petition before the court. The learned Single Judge has rightly observed that the parallel proceedings were impermissible. Notwithstanding the same, the learned Single Judge proceeded to examine the dispute on the merits. In view of the finding that



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parallel proceedings were not maintainable, it would have been apposite for the learned Single Judge to decline to entertain the writ petition.

6. In view of the above, we consider it apposite to dispose of the present appeal by setting aside the impugned order. The appeal preferred by the appellant before the KAT was dismissed in view of the express directions issued by the learned Single Judge in the impugned order. Since the impugned order has been set aside, we consider it apposite to direct that the said appeal (Appeal No.259/2024) be restored. The learned KAT shall consider the said appeal bearing in mind the observations made in the present appeal.

7. The appeal is disposed of in the aforesaid terms.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**