

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

COPC No. 77 of 2026

In

CWP No. 17952 of 2025

Decided on:06.10.2026.

Devesh Kumar & Others ...Petitioners

Versus

Mohinder Singh ...Respondent

Coram:

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹*Whether approved for reporting?*

For the petitioners: Mr. Varun Chandel,
Additional Advocate General.

For the respondent: Mr. Narender Guleria,
Advocate.

Ranjan Sharma, Judge

Petitioners, being authorized signatories of Excise Department have invoked the contempt jurisdiction of this Court, alleging non-compliance of the order dated 29.12.2025 [**Annexure CP-1**], by Respondent-Mohinder Singh. The operative part of the order dated 29.12.2025, reads as under:

On the request of learned Senior Counsel for the petitioner(s) as also learned Advocate General, the hearing of this case is being deferred by six weeks, but, with the direction that in the interregnum, the earlier order passed by this Court is *modified to the*

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

effect that the petitioner(s) shall continue to pay the current licence fee in terms of the conditions of allotment of vends to the petitioner(s) and the arrears, if any, shall be cleared before 31.01.2026. The arrears shall also include the fee etc., for the period quo which the dispute has been raised by the petitioner(s) before this Court. It goes without saying that the deposition of this amount shall be construed to be under protest and shall abide by the final adjudication of the writ petition. Besides this, it is further clarified that if the petitioner(s) do not clear the arrears by 31.01.2026, then, the State shall recover the same alongwith interest @ 6% simple interest, as from the date due, because, the benefit of deferred payment is being given to the petitioner(s) by this Court. It also goes without saying that if the current licence fee i.e., payable by the petitioner(s) is not paid by the petitioner(s) in the garb of this order, then, also the Department shall be at liberty to proceed against the petitioner(s) in accordance with law. It is further observed that the pendency of these petitions shall not come in the way of the State in considering the issues which have been raised by the petitioner(s) before this Court, sympathetically.

2. Learned State Counsel submits that the order dated 29.12.2025 [Annexure CP-1] has

not been complied with by the Respondent-Mohinder Singh, as the license fee, in terms of the condition of allotment of vends and the arrears payable therefrom have not been deposited by the said Respondent before 31.01.2026. Learned State Counsel submits that the Status of Outstanding License Fee, is enclosed as **Annexure CP-2** whereas, Respondent- Mohinder Singh, was in arrears of License fee amounting to Rs.1,89,37,424/- as on 31.01.2026. In these circumstances, the instant petition was filed with prayer to initiate contempt proceedings against the Respondent-Mohinder Singh, for non-compliance of the order dated 29.12.2025 [Annexure CP-1].

3. Instant petition [COPC No. 77 of 2026] was listed before a Coordinate Bench of this Court on 10.03.2026.

3(i) Upon service, matter was listed on 13.08.2026, when, Learned Counsel for the Respondent prays for directing the Petitioner(s)-State to file fresh status of outstanding dues.

In addition, other pleas were raised giving reasons for not remitting the License Fee as per the specified conditions. It is admitted the passing of the order dated 29.12.2025 [Annexure CP-1], with the plea, that the respondent was mandated to clear the arrears of License Fee by 31.01.2026 and for failure to deposit License Fee before 31.01.2026, the State Authorities were to recover the same alongwith interest @ 6% from the due date with liberty to the petitioner-department to proceed against the Respondent herein in accordance with law. Learned Counsel objected to the maintainability of the contempt petition, being premature, as the writ petition [CWP No. 17952 of 2025] and accompanying applications were still pending. In this backdrop instant petition was opposed by Respondent.

4. Matter was listed on 14.09.2026, when, Learned Counsel for the Respondent herein, has pointed out that a similar Contempt Petition No. 80 of 2026 has been dismissed by a Coordinate

Bench of this Court on 28.07.2026, being not maintainable.

5. Faced with the above situation, matter was listed on 22.09.2026, when, Learned State Counsel prays for adjournment so as to enable him to have an update as to whether any steps have been taken for recovering the amount from the Respondent or not.

6. Upon listing of the matter on 30.09.2026, Learned State Counsel has placed on record Instructions dated 30.09.2026, alongwith the communication dated 29.09.2026 sent by Deputy Commissioner [Excise] Kullu, to Commissioner State Taxes and Excise, Shimla, indicating the action taken against Respondent- Mohinder Singh for the recovery of pending License Fee, in following terms:-

“Exn-KUL -Excise-/232/2026-27-3657
O/o Deputy Commissioner, Excise, Kullu, District
Kullu (H.P.)

Dated 29.09.2026

To

The Commissioner State Taxes &
Excise, Himachal Pradesh, Shimla -9

Subject: COPC No. 77 of 2026 in CWP No.
17952/2025 titled as Shri Devesh

Kumar and others versus Mohinder Singh

Respected Sir,

Kindly refer to the subject cited above. In this connection, it is submitted that a letter NO. COPC 77/2026 dated 24.09.2026 was received in this office from the Additional Advocate General, State of Himachal Pradesh, Shimla, requesting compliance with the directions/orders passed by the Hon'ble High Court and submission of requisite information.

Accordingly, the Assistant State Tax and Excise Officer (ASTEO), Excise Circle Manali, was directed to furnish the latest status regarding the Licence Fee of the respondent/licensee. As per the report submitted by the ASTEO, Manali, dated 29.09.2026 and the records available in this office, the position is as under:

1. The respondent/licensee was the excise licensee of Unit No. 8, Aleo, for the excise year 2025-26.
2. The respondent has deposited the entire licence fee in respect of the Country Liquor Licence amounting to Rs.154,03,884/-
3. In respect of the IMFL Licence against the total licence fee of Rs.8,04,24,124/- the respondent/licensee has deposited 7,17,39,906/- leaving a balance amount of Rs.86,84,218/- which remains payable for the financial year 2025-2026.
4. In compliance with the directions of this Hon'ble Court contained in the order dated

29.12.2025, the interest payable on account of delayed/default payment of the licence fee has been calculated by the ASTEO, Manali, is Rs.4,11,207/-, as on 28.09.2026.

5. Accordingly, an amount of Rs.86,84,218/- towards the outstanding licence fee and Rs.4,11,207/- towards interest aggregating to Rs.90,95,425/- [Rupees Ninety Lakh Ninety Five Thousand Four Hundred and Twenty Five only], remains due and payable by the respondent/licensee.
6. The **outstanding license fee** amounting to Rs.86,84,218/- Rupees Eighty Six Lakh Eighty Four Thousand Two Hundred Eighteen only] **was declared recoverable under Section 73 of the Himachal Pradesh Land Revenue Act, 1954 on dated 23.05.2026 and a red entry was made accordingly.** Sincere efforts are being made to recover the outstanding revenue for protecting the Government exchequer and safeguarding the revenue due to the State.

The above facts are submitted for your kind perusal and further necessary action, please.

Yours faithfully,

Sd/-

Deputy Commissioner [Excise], Kullu,
District Kullu, (H.P.)

7. Heard Mr. Varun Chandel, Additional Advocate General for the petitioners and Mr. Narender Guleria, Advocate, for the Respondent-herein

ANALYSIS:

8. Considering the factual matrix this Court is of the considered view that instant contempt petition, alleging non-compliance of the orders dated 29.12.2025 [Annexure CP-1], is not maintainable, at this stage, for the reason, *firstly*, the order dated 29.12.2025 [Annexure CP-1] was a conditional order directing the Respondent to deposit current License fee alongwith arrears by 31.01.2026, failing which the State was given the liberty to recover the same alongwith interest @ 6% simple interest from due date; and *secondly*, in case, the Respondent did not deposit the arrears alongwith interest, then, in such an eventuality, the rights and interest of the Petitioner(s)-State and Excise & Taxation Department were safeguarded, enabling the petitioners-department to recover the said amount alongwith interest in accordance with

law; and thirdly, there is neither any willful nor any intentional disobedience on the part of the Respondent herein; and fourthly, the remedy of contempt is not a substitute for execution; and fifthly, the material on record including Instructions dated 30.09.2026 indicate that the petitioner-State Authorities have already made efforts towards recovery of the arrears alongwith interest from the Respondent herein by making process under Section 73 of Himachal Pradesh Land Revenue Act on 23.05.2026 and pending arrears have been declared as arrears of land revenue; and sixthly, once the petitioner(s)-State had unilaterally initiated action for recovery of arrears alongwith interest therefore, question of violation of orders cannot sustain, as petitioner(s)-State Authorities cannot approbate and reprobate; and seventhly, order dated 29.12.2025 [Annexure CP-1] was passed in Writ Petition No. 17578 of 2025 and in accompanying CMP as an interim measure and aforesaid writ petition as well as application

is pending and the rights of parties shall be adjudicated in the main proceedings; and in these circumstances, non-compliance does not appear to be willful and intentional, in view of the efforts-steps already initiated by the Petitioners - State Authorities against the Respondent as referred to above; and *lastly*, in a similar Contempt Petition i.e. COPC No. 80 of 2026, a Coordinate Bench of this Court had dismissed a similar petition on 28.07.2026, as not maintainable, as the Petitioner-State therein, had already taken recourse to the legal remedy in accordance with law; and even the orders dated 28.07.2026 passed in COPC No. 80 of 2026 had attained finality and despite opportunity Learned State Counsel, has not been able to establish that orders passed in identical contempt petition has been taken in appeal or has been set-aside or modified and having failed to assist this Court, therefore, the only inference is that the order dated 28.07.2026 in another COPC No. 80 of 2026 had attained finality.

9. In view of the above discussion and for reasons recorded hereinabove, the present petition is not maintainable and resultantly, the same is dismissed.

10. Sequel to the dismissal of instant petition, the notice issued against the Respondent is discharged.

11. However, it is made clear that the petitioners-State Authorities shall be at liberty to recover arrears of License Fee, alongwith interest, from Respondents herein, by taking recourse to such legal remedy, as available to them, in accordance with law hereinafter.

12. Resultantly, instant proceedings are closed.

(Ranjan Sharma)
Judge

October 6, 2026
[tm]