

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 6815 of 2015 (B)

PETITIONER : -

M/S. TRICHUR TOURIST COMPLEX (P) LTD,
THRISSUR 1, REPRESENTED BY ITS MANAGING DIRECTOR,
SRI PG. RADHAKRISHNAN, AGED 58 YEARS,
S/O.GANGADHARAN

BY ADVS.SRI.C.C.THOMAS (SR.)
SRI.M.G.KARTHIKEYAN
SRI.NIREESH MATHEW

RESPONDENTS : -

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1. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM 695033.
 2. THE DEPUTY COMMISSIONER OF EXCISE, THRISSUR 680001.
 3. THE CI OF EXCISE, THRISSUR 680001.
 4. STATE OF KERALA,
REPRESENTED BY SECRETARY, TAXES (A) DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM 695001.
 5. UMESH PALIYATH, AGED 40 YEARS, S/O.SOMASUNDARAM,
BHADRA HOUSE, OORAKAM PO, PINN 680562, THRISSUR DISTRICT.
 6. VISWANADHAN, AGED 69 YEARS, S/O.VELUKUTTY,
KALTHIL HOUSE, MANATHALA PO, PIN 680506, THRISSUR DISTRICT.
 7. JUSTIN GEORGE, AGED 50 YEARS, S/O.GEORGE,
NEELANKAVIL HOUSE, KIZHAKKEKOTTA PO,
PIN 680005, THRISSUR DISTRICT

R5 -R 7 BY ADV. SRI.MILLU DANDAPANI

R5 -R 7 BY ADV. SMT.ANNA THOMAS

R1-R4 BY Sr. GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

- EXHIBIT P1 : PHOTOCOPY OF THE STAR CLASSIFICATION ORDER DATED 28.06.2011 ISSUED BY THE INDIA TOURISM, CHENNAI.
- EXHIBIT P2 : PHOTOCOPY OF THE FL-3 LICENSE ISSUED BY THE EXCISE COMMISSIONER TO THE PETITION'S HOTEL.
- EXHIBIT P3 : PHOTOCOPY OF THE ORDER NO XC6-13840/12 DATED 25.07.2012 PASSED BY THE 1ST RESPONDENT.
- EXHIBIT P4 : PHOTOCOPY OF THE ORDER NO. XC6-8628/2014/R DIS. DATED 01.09.2014 PASSED BY THE 1ST RESPONDENT.
- EXHIBIT P5 : PHOTOCOPY OF THE REVISION PETITION (WITHOUT ANNEXURES) DATED 15.11.2014 FILED BEFORE THE 4TH RESPONDENT.
- EXHIBIT P6 : PHOTOCOPY OF THE RESOLUTION OF THE MEETING OF THE DIRECTORS OF THE COMPANY HELD ON 29.12.2014.
- EXHIBIT P7 : PHOTOCOPY OF THE LETTER DATED 04.02.2015 SENT TO THE 4TH RESPONDENT.
- EXHIBIT P8 : PHOTOCOPY OF THE AFFIDAVIT DATED 28.08.2013 FILED BEFORE THE HONOURABLE SUPREME COURT IN SLP (C)NO.2624/2012 ALONG WITH THE LIST.
- EXHIBIT P9 : PHOTOCOPY OF THE JUDGMENT DATED 07.11.2014 IN WPC.NO. 10292/2014 PASSED BY THIS HONOURABLE COURT.
- EXHIBIT P10: PHOTOCOPY OF THE ORDER DATED 15.12.2014 IN WA. NO.1915/2014 PASSED BY THE LEARNED DIVISION BENCH OF THIS HONOURABLE COURT.
- EXHIBIT P11 : PHOTOCOPY OF THE ORDER DATED 22.01.2015 IN SLP © NO.1200/2015 PASSED BY THE HONOURABLE SUPREME COURT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 6815 of 2015

Dated this the 18th day of June, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondents, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, against Exhibit P4 order of the first respondent imposing Rs.14,00,000/- as fine for regularizing the reconstitution of the Board of Directors in terms of Rule 40 of the Foreign Liquor Rules, the petitioner is said to have filed Exhibit P5 revision before the fourth respondent. Seeking its expeditious disposal, it has approached this Court.

3. The learned counsel for the respondents 5 to 7, having a rival claim, asserts that before the fourth respondent could take any action on Exhibit P5 revision, these respondents should also be heard. At this juncture,

the learned counsel for the petitioner and also the learned counsel for the respondents 5 to 7 disputed as to who actually file the revision.

4. Be that as it may, the simple relief sought in the writ petition is an expeditious disposal of Exhibit P5 statutory revision.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned counsel for the respondents, this Court, without advertting to the merits of the matter, disposes of the writ petition with a direction to the fourth respondent to consider and dispose of Exhibit P5 revision, after affording an opportunity of hearing to all the parties concerned, including respondents 5 to 7, and pass appropriate orders, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE