

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 29186 of 2015 (W)

PETITIONER : -

BINITH M.R, AGED 38 YEARS,
S/O LATE RADHAKRISHNAN,
MANAGING PARTNER, M/S HOTEL RAJADHANI,
KOTTAYAM.

BY ADVS.SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS : -

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF EXCISE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM-695 001.
3. THE DEPUTY COMMISSIONER OF EXCISE,
EXCISE DIVISION OFFICE, KOTTAYAM.
4. THE MANAGING DIRECTOR,
KERALA STATE BEVERAGES (MANUFACTURING & MARKETING)
CORPORATION LTD., THIRUVANANTHAPURAM-695 001.
5. THE MANAGER,
KERALA STATE BEVERAGES (M & M) CORPORATION LTD,
WAREHOUSE, KOTTAYAM.
6. THE CIRCLE INSPECTOR OF EXCISE,
KERALA STATE BEVERAGES CORPORATION LTD, KOTTAYAM.

BY SR. GOVERNMENT PLEADER SRI. JOSEPH GEORGE
R4 & 5 BY ADV.SRI.C.S.AJITH PRAKASH, SC, BEVERAGES CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-12-2015, ALONG WITH WPC. 31928/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

- EXT.P1 : TRUE COPY OF THE STOCK LIST PREPARED BY THE OFFICIALS OF THE EXCISE DEPARTMENT DATED 31/3/14.
- EXT.P2 : TRUE COPY OF THE REPRESENTATION DATED 20/10/14 SUBMITTED BY THE PETITIONER TO THE RESPONDENTS.
- EXT.P3 : TRUE COPY OF THE LETTER DATED 14/11/14 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P4 : TRUE COPY OF THE JUDGMENT DATED 9/4/15 IN WPC 9133/15.
- EXT.P5 : TRUE COPY OF THE LETTER DATED 25/5/15 ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P6 : TRUE COPY OF THE COMMON ORDER DATED 10/7/15 IN SERIES OF WRIT PETITIONS.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 29186 of 2015

&

W.P.(c) No. 31928 of 2015

Dated this the 16th day of December, 2015

JUDGMENT

In both the writ petitions the petitioners have a grievance that though the liquor stock in their possession was taken by the Beverages Corporation, it has not so far compensated them.

2. In response to the submissions made by the learned counsel for the petitioners, the learned Standing Counsel for the Beverages Corporation has submitted that already cheques have been released for 50% of the value of the stocks taken by the Beverages Corporation. He has further submitted that the balance amounts will also be paid in the course of time after processing the claim in statutory terms. In that context, he has submitted that it may take a month's time in the maximum.

In the facts and circumstances, I do not see any issue to be adjudicated upon, especially given the submission of the learned Standing Counsel. I deem it appropriate and

accordingly dispose of both the writ petitions with a direction to the Beverages Corporation to process the claims of the petitioners further and pay the balance amounts as expeditiously as possible, at any rate, within thirty days from the date of receipt of the copy of the judgment.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-