

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.31505 of 2015

and

M.P.No.1 of 2015

Tvl. The Retreat

Rep. by its Director K.Prithivi Kumar

No.208 A, Velacherry Main road

Camp road Junction, Selaiyur

Chennai-600 073.

...Petitioner

Vs.

1.The Commissioner of Prohibition and Excise
Chepauk, Chennai-5.

2.The Assistant Commissioner (Excise)

Collector Office,

Kancheepuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the proceedings of the 1st respondent in R.C.No.P&E2(2)/5050/2015, dated 21.09.2015 and quash the same.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr.M.S.Ramesh
Addl. Govt. Pleader

ORDER

Writ Petition has been filed to call for the proceedings of the 1st respondent in R.C.No.P&E2(2)/5050/2015, dated 21.09.2015 and quash the same.

2.Heard the learned counsel appearing on behalf of the petitioner as well as the learned Additional Government Pleader appearing on behalf of the respondents.

3.As per the Tamil Nadu Liquor (Licence and Permit) Rules, 1981, renewal of FL3 licence for the year 2015-2016 came to be rejected only on the ground that there is no provision for condoning the delay in filing the renewal application.

4.According to the learned counsel for the petitioner, they had in fact explained the actual delay, which is not huge in number, but the authority simply pointing out that there is no specific rule or provision to consider the belated submission of application for renewal, rejected the same. There is no outer time limit specifically for condoning the delay. Further, Rule 21 of Tamil Nadu Liquor (Licence and Permit) Rules, 1981 also proceeds to the effect that the licensing authority may admit such renewal application, even if it is belated, provided there are good and sufficient reasons for the delay. When such being the position, according to the Rule 21, the simple rejection that there is no specific rule or provision to consider the belated submission of application, cannot be accepted.

5.For the reasons stated above, the impugned order dated 21.09.2015, is set aside and the matter is remitted back to the authority for passing appropriate orders on consideration of explanation for the delay submitted by the petitioner after affording opportunity to him. Necessary orders be passed on or before 20.10.2015, failing which, supplies to the shop of the petitioner be resumed forthwith pending disposal of the application.

6.With the above said direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kj

To

1.The Commissioner of Prohibition and Excise
Chepauk, Chennai-5.

2.The Assistant Commissioner (Excise)
Collector Office, Kancheepuram.

1 CC to Mr.P.R.Balasubramanian, Advocate SR.No.55792

1 CC to the Government Pleader, SR.No. 55806

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VSN (CO)
PSI (14.10.2015)



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