

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP.NO.17407/2010

M/s.TVL Tamil Nadu Billiards and
Snooker Association
by its General Secretary
N.Sreenivas
Chennai-86

Petitioner

Vs

The Commissioner of Prohibition
and Excise Department
Chennai-5

Respondent

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, for the relief stated therein.

For Petitioner : Mr.M.Aravind Subramaniam
For Respondent : Mr.M.S.Ramesh, AGP

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records in RC.No.P&E2(4)/20635/2009, dated 6.5.2010, passed by the Respondent and to quash the same and to direct the Respondent to refund the privilege fee of Rs.4,00,000/- (Rupees Four Lakhs Only), which was paid for the second time for the period from 01.04.2009 to 31.03.2010.

2. The case of the Petitioner is that the Petitioner Association is the Governing Body to control and promote Cue Sports in the State of Tamil Nadu. The Association has other club house amenities, including a Bar serving liquor to its Members and obtained its first FL2 Licence No.1/83-84 in 1983 and the same is being renewed periodically. The Association was located initially at 101-F, Royapettah High Road, Mylapore, Chennai 600004 and had recently shifted to a new premises at No.318 (Old No.240), Avvai Shanmugham Salai, Lloyds Road, Raj Complex, II Floor, Gopalapuram, Chennai-86. For the purpose of renewal Licence for the year 2009-2010, a sum of Rs.4,00,000/- towards privilege fee and Rs.5000/- towards licence fees were paid on 23.2.2009 and the licence was renewed on 30.11.2009 for the year 1.4.2009 to 31.3.2010. The Petitioner has applied for change of address by letter dated 10.10.2009 i.e. before the renewal of the existing license. While so, the Respondent directed the Petitioner to pay further sums of Rs.4,00,000/- towards privilege fee and Rs.5000/- towards licence

fee, which were paid on 15.10.2009, when the Association was functioning at the old address. Permission for change of address was granted on 12.2.2010 and the same was endorsed on the original licence on 16.2.2010. The Petitioner by letter dated 23.2.2010 requested the Respondent for refund of the License Fee and the Privilege Fee, which were paid for the second time. However, the Respondent, by the impugned order, refused to refund the privilege fee, in view of the bar under Rule 24 of the Liquor Permit Rules 1981. Hence, this Writ Petition has been filed.

3. The Respondent has filed a counter, contending that as per Rule 24 of the Tamil Nadu (Licence and Permit) Rules, 1981, the Petitioner is not eligible for refund of privilege fee that has been paid by the Petitioner for change of licensed premises, but eligible for refund of license fee. The Petitioner did not apply for refund of the proportionate privilege fee for the period when no business was transacted at the old address for the period from 13.2.2010 to 31.3.2010.

4. This Court heard the learned counsel on either side and also perused the materials placed on record.

5. Since the earlier representation made already for the refund of the privilege fee for the proportionate period was not made properly, the learned counsel for the Petitioner now seeks to file an application afresh. Hence, without quashing the impugned order, the Petitioner is permitted to file an application afresh, giving all the details relating to the claim of refund of privilege fee for the proportionate period and on such filing of an application, the Respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of filing of such an application by the petitioner.

6. With the above directions, this Writ Petition is disposed of. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar

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Sub Assistant Registrar

Srcm

To:

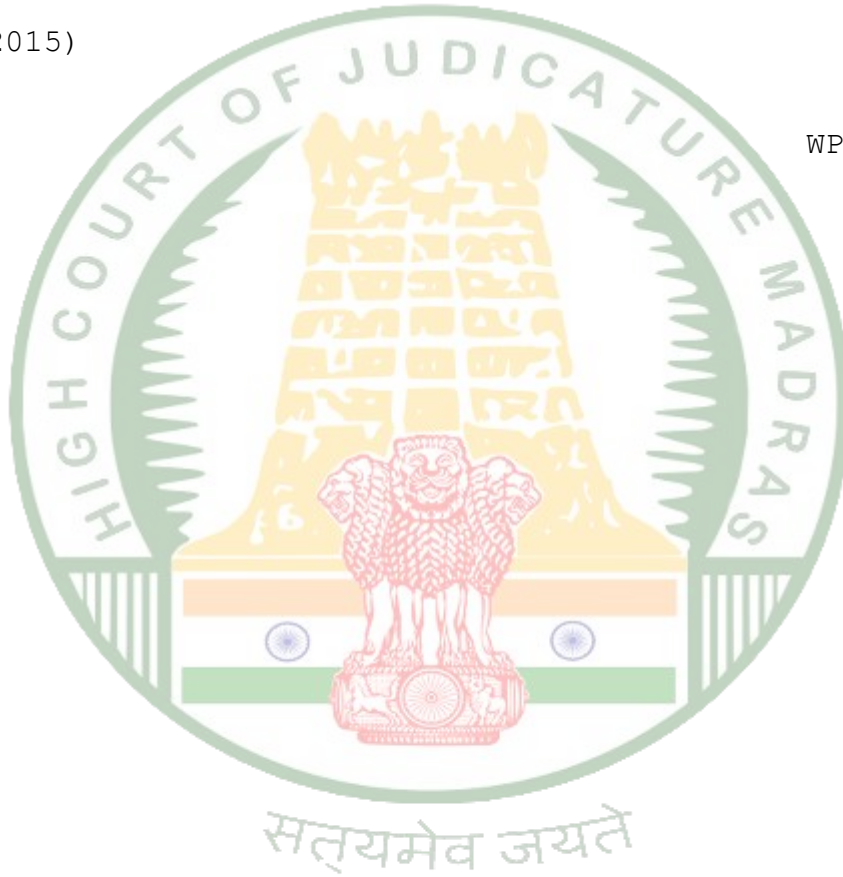
The Commissioner of Prohibition
and Excise Department
Chennai-5

+1cc to Mr.M. Aravind Subramaniam, Advocate, S.R.No.44642

+1cc to the Government Pleader, S.R.No.44702

ku (CO)
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