

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.12274 OF 2015

Date:28.04.2015

Between:

V. Ramesh

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue (Excise)
Department, Secretariat, Hyderabad
and others

.. Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.12274 OF 2015

ORDER:

Heard.

The order, dated 20.04.2015, of the Deputy Commissioner of Prohibition and Excise, Warangal, the 2nd respondent, is questioned in this Writ Petition on the ground that release of seized stocks ordered by him on furnishing Fixed Deposit Receipt through bank guarantee for the total value of the seized stocks, is not justified. Further, the Deputy Commissioner had ordered release of seized stocks on the petitioner giving an undertaking and indemnity bond. Alternatively, the petitioner also states that he is prepared to furnish bank guarantee for Rs.4,00,000/- only, instead of bank guarantee for Rs.7,19,433/- as stipulated by the Deputy Commissioner.

Earlier, the petitioner had approached this Court by filing W.P.No.3286 of 2015. The said Writ Petition was allowed on 25.03.2015 and the Deputy Commissioner was directed to re-consider the petitioner's request for release of the seized stocks. In the said Writ Petition itself, in paragraph No.8, it was observed as under:

“Learned counsel for the petitioner submits that the petitioner is ready and willing to furnish appropriate security for release of the seized stocks. Petitioner has even went further and stated in para 8 of the affidavit that he would furnish bank guarantee,
if the second respondent is not satisfied with the third

party security.”

Pursuant to the said order, the Deputy Commissioner has passed the impugned order duly considering the case of the petitioner and directed release of the seized stocks subject to condition of the petitioner furnishing bank guarantee for an amount of Rs.7,19,433/-.

In view of the earlier orders passed by this Court in W.P.No.3286 of 2015, dated 25.03.2015, I do not see any reason to interfere with the impugned order, dated 20.04.2015, as no justifiable reason is found for reducing the quantum of bank guarantee or for substituting it with the third party security or personal bond.

The Writ Petition is, accordingly, dismissed. However, as time for complying with the conditions under the impugned order, dated 20.04.2015, is stated to be expiring today, the petitioner is granted a further time of one week from today, within which he is at liberty to comply with the conditions. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

28.04.2015

Note:- Furnish C.C. in two days.

(B/o)
KH