

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.18514 OF 2006

Between:

m/S.Vinayaka Wines

.. Petitioner

and

The Commissioner of Proh. & Excise
Govt. of A.P. at Nampally,
Hyderabad and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 16th SEPTEMBER,
2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment?

Yes/No

- | | | |
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| 2. | Whether the copies of the Judgment may be marked to Law Reporters/Journals | Yes/No |
| | | |
| 3. | Whether His Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.18514 OF 2006

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ORDER

The grievance of the petitioner was with regard to the action of the excise authorities in collecting licence fee for the unlicensed period, 01.07.2005 to 15.07.2005 (15 days), and in not refunding the same. A consequential direction was sought to the authorities to refund the said amount along with interest.

The Prohibition and Excise Superintendent, Godavarikhani, filed a counter-affidavit stating that the petitioner was declared the highest bidder in respect of the retail wine shop at Sl.No.54 in the District Gazette list pertaining to Ward No.29 of Godavarikhani during the excise year 2005-2006. On finalization of the tender, a notice was served upon the petitioner on 02.06.2005 requiring him to submit the stipulated documents for obtaining a licence within seven days from the date of the auction, 02.06.2005. However, the petitioner failed to submit the required documentation within the time stipulated and did so only on 16.07.2005. The licence was accordingly issued on the very same day, 16.07.2005. The excise year commenced from 01.07.2005 and as the delay in the issuance of the licence was attributable to the petitioner, the Prohibition and Excise Superintendent justified the collection of the licence fee for the said period of 15 days also.

No reply-affidavit was filed by the petitioner rebutting the above counter-affidavit averments.

In the light of the aforestated facts, it is clear that the petitioner was himself responsible for the delay in the issuance of the licence and could therefore have no legally redressable grievance as to the collection of licence fee for the said period also.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

16th SEPTEMBER, 2015
PGS