HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.5055 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition & Excise appearing for the respondents.

Petitioner is the licensee of A4 shop. He states that he was granted provisional licence with respect to shop at Gazettle Serial No.90 at Eluru Municipal Corporation for the years 08.07.2014 to 30.06.2014 and that a permanent licence was granted stating that licence is valid from 01.07.2014 to 30.06.2014. The primary contention of the petitioner is that when the provisional licence itself is from 08.07.2014, the license fee collected from him from 01.07.2014 is not valid and to that extent he may be allowed to deduct the license fee proportionate to eight days as aforesaid amounting to Rs.98,640/- in the future instalments payable by him. The application of the petitioner however is made to the Excise Superintendent, which is acknowledged by the Excise Superintendent on 15.10.2014. In effect therefore petitioner is seeking remission for eight days i.e. from 01.07.2014 to 08.07.2014. Such a request however is required to be made to the Commissioner and not to the Excise Superintendent, so that the Commissioner would be in a position to appreciate the grievance of the petitioner and pass appropriate orders. Since no such application is made before the Commissioner, the petitioner is at liberty to make appropriate application before the Commissioner and after such an application is made, the Commissioner shall look into the grievance of the petitioner and pass appropriate orders in accordance with law.

Writ Petition is accordingly disposed of. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date:03.03.2015
Rns.

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.5055 of 2015

04.03.2015

Rns