

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

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL No.906 OF 2004

DATED: 02.09.2015

Between:

M/s.Vinedale Distilleries Limited and another

... Appellants

and

Anil Kumar Aggarwal and another

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V.BHATT**

WRIT APPEAL No.906 of 2004

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PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

This Writ Appeal is directed against the order, dated 11.05.2004 passed in WPMP.No.11686 of 2004 in Writ Petition No.9074 of 2004 whereby an interim order was passed. The order reads thus:

“Learned Govt. Pleader for Excise takes notice. Learned Counsel for the petitioner argued that, petitioner as well as third respondent are brothers and they are directors in the 2nd respondent company and there are internal disputes between them and the 3rd respondent, without conducting board meeting tried to proceed with the business and on an application by the third respondent, the 1st respondent had passed orders, and permitted the 2nd respondent to function according to the letter dt.1.4.2004, subject to the conditions laid therein.

Learned Counsel has referred to the orders passed by the 1st respondent, and argued that, the 1st respondent ought not to have granted the permission as stated supra.

In view of the disputed questions of facts involved in the present Writ Petition, this is a matter where the learned Govt. Pleader has to file counter.

Under the above circumstances, there shall be an interim direction to the 1st

respondent not to act upon the proceedings issued by him, with regard to the renewal of B2 licence of M/s.Vinedale Distilleries Ltd, for the year 2004-05, until further orders.”

This order is under challenge in the instant appeal. In the appeal, this Court vide order dated 18.05.2004 passed interim order and appointed two advocates as Advocate Commissioners to take inventory of stock that was available within the premises of the first appellant Company. The said inventory was to be done after issuing notice to the second appellant and the first respondent. After the inventory was done, the Commissioners were directed to file report. We are informed that the Commissioners have filed report on 14.06.2004. Over and above this, no other order was passed in the Writ Petition till this date. Keeping that in view, when we suggested to the learned counsel for the parties that this appeal can be disposed of directing to place the Court Commissioners’ report before the learned Single Judge where the Writ Petition is still pending, they have agreed for the same. Hence, we dispose of this appeal by the following order:

“The Court Commissioners’ report, dated 14.06.2004 is directed to be placed along with Writ Petition No.9074 of 2004, for its consideration at the time of final hearing of the petition. Since the Writ Petition is pending since 2004, the learned Single Judge is requested to dispose of it expeditiously along with companion Writ Petitions, if any.”

Consequently, miscellaneous petitions, if any, also

stand disposed of.

2nd SEPTEMBER, 2015.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

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