

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.7652 of 2015

ORDER:

The petitioner is a Toddy Tapper Cooperative Society. The petitioner states that it has filed a representation dated 03.03.2015 before the Commissioner of Prohibition and Excise, Hyderabad, requesting to implement the order of stay, of cancellation of licence, granted by the Government, in its appeal, on 27.01.2014.

Learned Government Pleader for Prohibition and Excise (TG), on instructions, states that, on finding that the petitioner, licensee, was responsible for adulteration of toddy, the licence was suspended on 12.10.2007; that a show cause notice for cancellation of licence was also issued on 25.08.2010; that no explanation was submitted within the stipulated time; and, ultimately, the licence was cancelled on 30.11.2010. She further submits that the petitioner - Society filed an appeal before the Government, and stay was granted by the Government, with regard to cancellation of licence, on 14.02.2014; that, during the pendency of the said appeal before the Government, the licence period valid from 12.10.2007 to 30.09.2012, expired; that, in view thereof, no licence subsists in favour of the petitioner; and, therefore, the request of the petitioner for implementing the stay orders passed by the Government cannot be considered by the Commissioner.

Evidently, the licence of the petitioner - Society itself expired on 30.09.2012. Hence, the appeal, stated to be pending before the Government, appears to have become infructuous. If the petitioner is desirous of carrying on toddy business, it has to apply for fresh licence. Therefore, the direction, as sought for in this Writ Petition, cannot be granted. However, the petitioner is at liberty to apply for fresh licence, if they so desire.

The Writ Petition is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. No order as to costs.

VILAS V.AFZULPURKAR,J

Date: 06.04.2015

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