

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.40260 of 2015

ORDER:

The grievance of the petitioners was that the Prohibition and Excise Superintendent, Mancherial, Adilabad District, vide individual orders dated 30.11.2015, rejected their request for refund of the application fee and 5% of the total licence fee paid by them at the time of submission of their applications pursuant to the notification dated 28.10.2015.

Admittedly, the process pursuant to the notification dated 28.10.2015 stood stalled owing to the stay order granted by this Court on 03.11.2015 in W.P.No.35907 of 2015. As the said process stood stalled, the petitioners wished to withdraw therefrom and asked for refund of the amounts paid by them at the time of submission of their applications.

Despite the matter being adjourned to enable the learned Assistant Government Pleader for Excise to get instructions, she states that no further instructions were received and reiterated the reasons set out in the individual orders dated 30.11.2015 passed by the Prohibition and Excise Superintendent, Mancherial.

Perusal of the orders dated 30.11.2015 passed by the Prohibition and Excise Superintendent, Mancherial, reflects that the only reason cited for refusing to refund the amounts was that a counter-affidavit had been filed in W.P.No.35907 of 2015 along with a vacate stay petition. On this ground, the request of the petitioners for refund stood rejected.

As the process initiated pursuant to the notification dated 28.10.2015 was stalled owing to the stay order granted by this Court, the petitioners are entitled to withdraw their applications submitted in response thereto and seek refund of the amounts paid by them. It is not open to the excise authorities to hold them to ransom. The action

of the excise authorities in refusing to refund the amounts paid by the petitioners therefore cannot be countenanced.

The writ petition is accordingly allowed setting aside the impugned individual orders dated 30.11.2015 passed by the Prohibition and Excise Superintendent, Mancherial. The excise authorities shall forthwith refund the application fee and 5% licence fee paid by the petitioners at the time of submission of their applications in response to the notification dated 28.10.2015.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

21st December, 2015

Note:-

Issue CC in three days.

B/o

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