

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.37801 of 2015

ORDER:

The petitioner society is aggrieved by the order dated 13.11.2015 passed by the revisionary authority, the Government of Telangana, vacating the stay granted earlier on 09.11.2012 and upholding the cancellation of the petitioner society's licences.

The grievance of the petitioner society is that it was not given an adequate opportunity of hearing before its revision was dismissed.

As the impugned order dated 13.11.2015 specifically recorded that the petitioner society had attended the hearing personally on 28.07.2015 and pleaded its case (in para 5), the learned Government Pleader for Excise was asked to ascertain as to whether there was any evidence of the petitioner society being represented in the hearing said to have been held on the said date by the revisionary authority.

Sri T. Amarnath Goud, learned counsel for the petitioner society, asserted that no representative of the petitioner society attended any hearing on the said date.

Today, the learned Government Pleader for Excise, having received instructions in the matter, conceded that there was no material available to show that the petitioner society was represented in the hearing said to have been held on 28.07.2015.

As the revisionary authority is expected to maintain a record with regard to the notices issued to the parties and their participation in the proceedings pursuant thereto, failure of the revisionary authority to produce proof of the petitioner society having participated in the hearing allegedly held on 28.07.2015 would result in the benefit of doubt being given to the petitioner society. This Court therefore holds that the petitioner society was not given a hearing in the matter before its revision was dismissed and the stay granted as long back as in the year 2012 was vacated.

In the view of the matter, the impugned order dated 13.11.2015 is set aside and the matter is remitted to the revisionary authority, the Government of Telangana,

for consideration afresh and for passing reasoned orders in accordance with law after giving an opportunity of hearing to the petitioner society.

As it is stated by Sri T. Amarnath Goud, learned counsel, that various developments took place after the granting of the stay order which require to be brought to the notice of the revisionary authority, it shall be open to the petitioner society to place additional material before the revisionary authority which shall be taken into consideration while dealing with the revision. This exercise shall be completed expeditiously by the revisionary authority and in the meanwhile, the stay granted earlier in the year 2012 shall continue to operate.

The writ petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

23rd November, 2015

IBL