

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 6795 of 2015 (O & M)
Date of Decision:- 11.05.2015**

Narinder Singh and others

.....Petitioner(s)

VS.

State of Punjab and others

.....Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE S.J. VAZIFDAR,
ACTING CHIEF JUSTICE**

HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present:- Mr. M.L. Saggar, Sr. Advocate,
with Mr. Gaurav Grover, Advocate,
for the petitioner.

Mr. Jagmohan Bansal, Addl. A.G., Punjab.

Mr. Vikram Jain, Advocate,
for respondent no. 9.

S.J. VAZIFDAR, A.C.J. (Oral)

The petitioners have sought an order quashing the draw of lots for allotment of liquor vends of Ferozepur City Zone-I and Ferozepur Cantt. Zone-II of District Ferozepur held on 27.03.2015 as per the Excise Policy under the Punjab Excise Act, 1914 for the year 2015-16. The petitioners have also sought an order directing a fresh auction to be held in respect of the said liquor vends.

Respondents no. 8 and 9 were impleaded as follows:-

“8. *M/s. Ferozepur Wine Co., through its
Managing Director Sh. Deep Malhotra, Ferozepur.*

9. *Sh. Deep Malhotra, Wine Contractor M/s.
Ferozepur Wine Co., Ferozepur.”*

The main allegations in the present writ petition are against the said Deep Malhotra, who is alleged to be the Managing Director of the firm. We presume, for the sake of deciding the present writ petition, that he was a managing partner. An affidavit has been filed by the said Deep Malhotra dated 11.05.2015 in which he has stated that he is not associated with the said firm namely M/s. Ferozepur Wine Company who has been allotted the vends and that he is not a partner in the firm. He has further stated that he is not associated with any liquor group in the Ferozepur City or Ferozepur Cantt. He has furnished the names of the 5 partners of the said firm. Respondents no. 1 to 5 have confirmed this stand in the affidavit dated 01.05.2015 of one Sh. D.S. Garcha, Assistant Excise and Taxation Commissioner.

In view of the said affidavit, the contents of which were reiterated before us during the hearing, the petition against the said Deep Malhotra is disposed of without passing any orders and only by accepting his statements. As the petition was based essentially on the role of the said Deep Malhotra, we do not deem it appropriate to permit the petitioners to amend this writ petition. It would be appropriate for the petitioners to file a fresh petition, if they so desire. If they do so, the same will be decided on its own merits and the disposal of the present writ petition shall not affect the same in any manner whatsoever.

Subject to what has been stated above and the above said liberty, the present writ petition stands disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(G.S. SANDHAWALIA)
JUDGE

11.05.2015
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