

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.30120 OF 2010

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the demand notice dt.19-11-2010 issued in Rc.No.402/2008/P&Ex/B4 issued by the 4th respondent for payment of Rs.4,86,000/- towards 10% of additional licence fee for the years 2006-07 to 2008-09 in respect of Licence bearing No.4/2006-2007 as illegal, arbitrary and contrary to Rule 10 of A.P. Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005, and consequently to set aside the above said order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. When the matter is called, it is submitted by the learned Government Pleader that the issue in the present writ petition is squarely covered by the order dated 19.03.2014 passed by this Court in W.P.No.13043 of 2010 and a copy of the same is also placed on record. In the said order, when identical question cropped up, this Court directed the petitioner therein to submit explanation, treating the demand notice as a show-cause notice and further directed the Prohibition and Excise Superintendent to consider the said explanation and to pass appropriate orders. In the said order, this Court also observed that the amount deposited by the petitioner therein

would abide by the orders of the Prohibition and Excise Superintendent. Since the present writ petition is also similar, this Court deems it appropriate to dispose of the writ petition in the above lines.

3. Following the above said order and for the reasons recorded therein, this writ petition is also disposed of , directing the petitioner to submit his explanation, treating the impugned demand notice bearing Rc.No.402/2008/P&Ex/B4, dated 19.11.2010, as the show-cause notice, within a period of one month from the date of receipt of a copy of this order and the Prohibition and Excise Superintendent, Karimnagar, shall consider the said explanation and pass appropriate orders there on, within a period of two months from the date of receipt of the explanation. It is further made clear that if the petitioner already paid Rs.1,85,000/-, as directed by this Court on 05.03.2012, the same would abide by the orders to be passed by the Prohibition and Excise Superintendent. No order as to costs.

4. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

24.11.2016

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