

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

WRIT PETITION No.16809 of 2011

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order passed by the Commissioner of Prohibition and Excise vide proceedings Cr.No.16296/2010/CPE/J-1, dated 04-02-2011.

Heard, Sri A. Prabhakar Rao, learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise for the State of Telangana for respondents, apart from perusing the material available before this Court.

According to the learned counsel for the petitioner, petitioner herein submitted an application on 08-04-2010 under Rule 5 of the Andhra Pradesh Excise (Possession, Import, Export, Transport of Molasses - Conditions of Licence and Permits) Rules, 2008 (for short, 'the Rules') notified vide G.O.Ms.No.1292, Revenue (Ex.III), 10th November, 2008.

The Commissioner of Prohibition and Excise vide impugned proceedings, dated 04-02-2011 rejected the said application filed by the petitioner stating that the grant of licence to the applicant for possession and sale of molasses by acting as a middle man is not desirable. According to the learned counsel for the petitioner, the said reason assigned by the Commissioner of Prohibition and Excise in the impugned order is neither sustainable nor tenable under the Rules.

On the contrary, it is submitted by learned Government

Pleader that the petitioner herein did not deposit the amount as stipulated under the Rules for consideration of the application and seeks to justify the impugned action under Rule 9 of the Rules.

On the other hand, it is also submitted by learned counsel for the petitioner that the respondent authorities are obligated to consider the application under Rule 5 of the Rules. It is also requested by learned counsel that the petitioner herein may be permitted to make a fresh application to the respondents under Rule 5 of the Rules and the same may be directed to be disposed of by the respondents by fixing some timeframe.

Having regard to the nature of controversy and taking into consideration the submissions of learned counsel for the petitioner and the learned Government Pleader for respondents, the writ petition is disposed of, permitting the petitioner to make an application afresh under the provisions of the Andhra Pradesh Excise (Possession, Import, Export, Transport of Molasses - Conditions of Licence and Permits) Rules, 2008. If any such application is filed same be considered and appropriate orders be passed, in accordance with law, within a period of three (3) months from the date of receipt of such application, if any. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SETHA SAI, J

July 11, 2016

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