

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

**CWP No. 6211 of 2016
Decided on : 01.04.2016**

Harish Kumar Aggarwal

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

PRESENT: Mr. H.S. Brar, Advocate
for the petitioner.

Mr. Ashok Aggarwal, AG, Punjab with
Mr. Jagmohan Bansal, Addl. AG, Punjab and
Ms. Sudeepti Sharma, DAG, Punjab.

AJAY KUMAR MITTAL, J. (Oral)

Learned Advocate General, Punjab, appearing for the State *inter alia* with reference to the interim order dated 31.03.2016 of this Court, submitted that the fixed licence fee in respect of 20 groups in District Bathinda was to fetch the excise licence revenue to the tune of ₹ 202 crores. The State was unable to get the requisite excise revenue in the draw of lots held on 27th March, 2016 and therefore, the matter was referred to the Addl. ETC (X), who had taken a decision on 29th March, 2016 for re-grouping and re-allotment of the vends. Reliance was placed on Section 41 of the Punjab Excise Act, 1914 (in short 'the Act') relating to 'Power to Withdraw Licences', to urge that the State had power to withdraw the licences in cases other than those specified in Section 36 of the Act and the petitioner, if has any right for monetary claim, can seek the same from the State by way of compensation. Reference was also made to Rule 36(9) of the Punjab Liquor

Licence Rules, 1956 (for brevity 'the Rules') and Para 2.22 of the Excise Policy 2016-17 to buttress the stand.

2. On the other hand, learned counsel for the petitioner controverted the aforesaid submissions and argued that the whole action of the State was *mala fide* and there were persons available at the time of draw of lots held on 27th March, 2016 and also at present as well, so therefore, there cannot be other draw of lots.

3. We find that the issues involved herein are debatable and no irreparable loss shall be caused to the petitioner who can be compensated under Section 41 of the Act. Hence, we find that it would not be appropriate to continue with the interim order dated 31.03.2016.

4. At this stage, when the Bench was inclined to vacate the interim order dated 31.03.2016, the learned counsel for the petitioner stated that he may be allowed to withdraw the present writ petition with liberty to the petitioner to file a fresh petition on the same cause of action by impleading the subsequent allottees and by making the necessary averments in the writ petition. Learned counsel for the respondents have no objection to the said prayer.

5. Dismissed as withdrawn with liberty as prayed for.

(AJAY KUMAR MITTAL)
JUDGE

(RAJ RAHUL GARG)
JUDGE

April 01, 2016

J.Ram