

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9656 of 2016

Date of Decision: 17.5.2016

M/s Liquor World Venture Private Limited, Chandigarh
....Petitioner.

Versus

Chandigarh Administration and others
...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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

PRESENT: Mr. Vikram Jain, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus seeking reduction of proportionate quota and proportionate fee for the excise year 2016-17 in UT, Chandigarh for non-issuance of Indian Made Foreign Liquor (IMFL) quota by the Excise Department; to refund the license fee for non-issuance of IMFL quota which resulted in inability of the petitioner to carry on their liquor trade; to compensate on account of losses suffered on account of maintaining the infrastructure of liquor vends including rent of the showroom, salaries of the employees etc.; to close the Bar @ 40 (respondent No.3) in Sector 40-D, Chandigarh on account of functioning of L-2/L-14 liquor vend from

the bar against the Excise Policy for the year 2016-17 and to decide the legal notices dated 15.4.2016 (Annexures P-1 and P-2, respectively) within the time frame.

2. The petitioner is engaged in the business of liquor trade in UT, Chandigarh. In March, 2016, UT, Chandigarh had announced its Excise Policy for the year 2016-17. It was allotted liquor vend through auction in Chandigarh in March, 2016 including the liquor vend at Sector 40-D, Chandigarh. The petitioner got the license of L-2/L-14 liquor vend in Sector 40-D, Chandigarh for ₹ 8,08,00,000/- and was required to pay the license fee proportionately for the entire period from 1.4.2016 to 31.3.2017. However, no IMFL quota has been issued by the Excise Department, UT, Chandigarh till date. Respondent No.3 got the bar license for ₹ 5,00,000/- and is operating its bar as an L-2/L-14 retail liquor vend against the Excise Policy for the year 2016-17. The petitioner sent a legal notice dated 15.4.2016 (Annexure P-1) to respondents No.1 and 2 for refund of license fee paid on account of non-issuance of liquor quota by the Excise Department and for reduction of proportionate quota and proportionate fee for the excise year 2016-17 in UT, Chandigarh followed by a legal notice dated 15.4.2016 (Annexure P-2) pertaining to operation of L-2/L-14 liquor vend from the premises of respondent No.3, but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent legal notices dated 15.4.2016 (Annexures P-1 and P-2, respectively) to respondents No.1 and 2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the

present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the legal notices dated 15.4.2016 (Annexures P-1 and P-2, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the concerned parties, i.e., the petitioner and respondent No.3 within a period of two weeks from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 17, 2016
gbs

(RAJ RAHUL GARG)
JUDGE