

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 89 of 2017

- Lalit Pujara S/o. G. J. Pujara, Aged About 42 Years, R/o Tikrapara, Bilaspur, Police Station City Kotwali, Bilaspur, District Bilaspur (Chhattisgarh) Through Its Power Of Attorney Holder Kuashal Singh, S/o. Avdhesh Singh, Aged About 31 Years, R/o. Village Baima, Kewatpara, Tahsil Bilaspur, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Commercial Tax (Excise) Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Excise, Chhattisgarh, Raipur, District Raipur (Chhattisgarh)
3. Collector (Excise) Bilaspur, District Bilaspur (Chhattisgarh)
4. Assistant Commissioner Excise, Bilaspur, District Bilaspur (Chhattisgarh)
5. Excise Sub-Inspector, Circle Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner
For Respondent-State

Shri Manoj Paranjpe, Advocate
Shri R. K. Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

13/01/2017

1. This petition under Article 226/227 of the Constitution of India has been preferred challenging the order passed by the Collector (Excise), District Bilaspur cancelling petitioner's FL-3 (a), TDS (Magneto) Bar Licence for having violated Condition

No.8 of the Licence read with Section 31 (b) of the Chhattisgarh Excise Act, 1915 (henceforth 'the Act, 1915').

2. Admittedly, the petitioner has alternative remedy of preferring an appeal before the Excise Commissioner under Section 62 of the Act, 1915. Therefore, in view of the said statutory appellate remedy, the present petition is not maintainable.
3. Accordingly, the writ petition is dismissed as not maintainable.
4. At this stage, Shri Paranjpe, learned counsel for the petitioner, would submit that the petitioner is ready and willing to prefer an appeal before the Excise Commissioner, however, the licence being operative till 31.03.2017 only, therefore, the Appellate Authority may be directed to decide the appeal at the earliest.
5. Shri Paranjpe undertakes to move before the Appellate Authority on the next working day. If such appeal is preferred, the Appellate Authority is directed to decide the appeal, at the earliest, preferably within a period of 4 weeks from the date of presentation.
6. Certified copy as per rules.

Sd/-
JUDGE
PRASHANT KUMAR MISHRA

Nirala