

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

WRIT PETITION No.28659 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition & Excise for the respondents.

The fourth respondent-Superintendent, Prohibition & Excise, Guntur granted Form-2B licence in favour of the petitioner herein on 06.07.2017. Consequent upon seizure of 16 bottles of Whisky from one Mr.Ch.Hari, S/o Venkat Rao, the Prohibition & Excise Inspector, Guntur registered F.I.R. vide C.R.No.90/2017 punishable under the provisions of Section 34(a) of the Andhra Pradesh Excise Act, 1968. Thereafter, the third respondent-Deputy Commissioner, Prohibition & Excise, Guntur issued a show cause notice bearing Rc.No.347/2017/B1, dated 16.08.2017, calling upon the petitioner to show cause as to why 2B Bar licence granted in his favour should not be cancelled for the alleged violation of licence condition No.1 and also Rules 4, 25 and 30 of the Andhra Pradesh (Grant of Selling of Bar and Conditions of Licence) Rules, 2017. Thereafter, the petitioner herein claims to have submitted a representation to the second respondent-Commissioner, Prohibition & Excise, Vijayawada with a request

to cancel the order of the fourth respondent-Superintendent, Prohibition & Excise, dated 16.08.2017. Along with the said representation the petitioner herein claims to have enclosed a challan for Rs.1,00,000/- dated 18.08.2017 and eventually requested to drop further action.

According to the learned counsel for the petitioner, despite the said representation and the payment made by the petitioner towards compounding fee, the respondent authorities are proceeding further with the action.

It is submitted by the learned Government Pleader that the offence alleged against the accused in the crime is not a compoundable offence and, in view of the *prima facie* material available before the authorities, it is incumbent on the part of the petitioner to respond to the show cause notice issued by the third respondent-Deputy Commissioner, Prohibition & Excise, Guntur on 16.08.2017. Admittedly, no explanation has been submitted by the petitioner so far in response to the show cause notice dated 16.08.2017.

In view of the above situation, and having heard the learned counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the present Writ Petition, leaving it open for the petitioner herein to submit explanation to the show cause notice, dated 16.08.2017, within

a period of one week from today. If any such explanation is submitted within the time stipulated above, the same be considered and appropriate orders be passed in accordance with law within a period of two weeks thereafter, after giving notice and opportunity of being heard to the petitioner herein.

As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

24th August, 2017
Tsy

A.V.SESHA SAI, J

