

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-15300-2017

Date of Decision: 27.7.2017

Manminder Singh Sandhu

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AMIT RAWAL.**

PRESENT: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

Mr. Jaswinder Singh, Senior DAG, Punjab.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 3.3.2017 (Annexure P-3) passed by respondent No.3 raising a demand of ₹ 1,08,39,885/- without considering the instructions dated 29.9.2016 (Annexure P-2) issued by respondent No.5 to vacate the villages in 10 kilometer radius from the Indo-Pak Border. Further, a writ of mandamus has been sought directing respondent No.3 not to recover the alleged amount from the petitioner as his business was disturbed due to the Indo-Pak disturbance.

2. The petitioner was allotted a license dated 1.4.2016 (Annexure P-1) of Punjab Medium Liquor for a total consideration of ₹ 2,41,07,602/- for the financial year 2016-17. He was allotted the Ghubya Group in

Jalalabad Circle for 18 villages out of which 8 villages are situated near the Indo-Pak Border. After the issuance of license and allotment of Ist lot, the petitioner was making the installments to the concerned authorities. Respondent No.5 vide instructions dated 29.9.2016 (Annexure P-2) ordered to vacate the villages falling under the radius of 10 kilometer from the Indo-Pak Border. Out of the 18 villages of Ghubya Group, 8 villages allotted to the petitioner falls under the radius of 10 kilometer and the people from the said villages vacated their houses and were shifted to some safe places. During this period, no business had taken place and there was no sale of liquor. However, respondent No.3 vide demand notice dated 3.3.2017 (Annexure P-3) raised a demand of ₹ 1,08,39,885/- on account of license fee, special license fees, additional license fees and other recoverable fees. Thereafter, the petitioner sent a representation dated 17.3.2017 (Annexure P-4) to respondent No.3 for exemption of the amount for the period when there was no business and sale due to Indo-Pak tension, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 17.3.2017 (Annexure P-4) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, 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.3 to take a decision on the representation dated 17.3.2017 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one month from

the date of receipt of certified copy of the order. It is further directed that in case the petitioner is found entitled to the amount of refund, the same be released to him within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

July 27, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No