

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-16486-2017

Date of Decision: 27.7.2017

Balram Saharan

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Ms. Gurvir Kaur Gill, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 directing the respondents to refund the license fee plus additional fee of one month amounting to ₹ 17,00,000/- deposited vide receipt (Annexure P-2) as his liquor vends were closed and were not operational as respondent No.5 vide order dated 24.9.2016 (Annexure P-3) ordered for shifting of the village population along with household articles and cattle due to apprehension of Indo Pak war likely to be started. Further, a prayer has been made to direct respondent No.2 to adjust the amount of ₹ 1,95,295/- out of ₹ 17,00,000/- which is interest on license fee as per arrears list of 2016-17 which were paid in anticipation as a license fee and additional fee pertaining to the year 2016-17.

2. The petitioner was granted license dated 1.4.2016 (Annexure P-

1) by respondent No.2 for the retail sale of Punjab Medium Liquor of 50, 65 and 75 degree and Beer for consumption of the premises Excise Circle, Abohar, Group Dhane Wala, District Fazilka as per the Excise Policy 2016-17. In pursuance thereto, the petitioner after completing all the formalities, deposited a sum of ₹ 17,00,000/- vide receipt, Annexure P-2, as a license fee and additional fee pertaining to the year 2016-17 and started his business. Respondent No.5 vide order dated 24.9.2016 (Annexure P-3) directed the inhabitant to vacate the adjoining villages of Pak Border within the area of 10 kms. Out of the seven villages where the petitioner was selling his liquor, the people of all the falling in the liquor circle of the petitioner were evacuated and started residing in the relief camps. Therefore, the villages were evacuated where no liquor sales were made during the period in question. Accordingly, the petitioner sent a demand notice dated 7.7.2017 (Annexure P-4) to respondent No.2 for refund of the amount of license fee and additional fee for one month, 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 sent a demand notice dated 7.7.2017 (Annexure P-4) to respondent No.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 demand notice dated 7.7.2017 (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 two months 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