

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22779-2017

Date of Decision: 6.10.2017

M/s Liquor World Venture Private Limited

...Petitioner

Versus

Chandigarh Administration and others

...Respondents

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

PRESENT: Mr. Kunal Mulwani, 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 directing the respondents to allow the petitioner to relocate the vend from Sector-35D, Inner Market to Sector-9, Madhya Marg, Chandigarh.

2. The petitioner is a major stakeholder of L2 retail of Indian Made Foreign Liquor and L14 retail of Country Liquor, Liquor business in Chandigarh and Ludhiana and at present is operating its L2 and L14 liquor vends in different areas of Chandigarh. In March 2017, the respondents announced the Excise Policy for the year 2017-18 (Annexure P-1) under the Punjab Excise Act, 1914 and the Punjab Liquor License Rules, 1956. The said Policy was framed in compliance with the judgment of the Apex Court dated 15.12.2016 passed in Civil Appeal Nos.12164-166 of 2016. The petitioner was allotted liquor vends at Sectors 7, 9, 35-D, Industrial Area Phase-I, Village Khuda Ali Sher and Attawa for operating L2 and L14A retail liquor vend. The Supreme Court vide order dated 11.7.2017

(Annexure P-2) passed in SLP No. 10243 of 2017 issued clarification to the directions issued vide order dated 15.12.2016. On the basis of the said judgment, Annexure P-2, the petitioner moved a representation dated 4.9.2017 (Annexure P-3) to the respondents for relocation of the vend from Sector 35-D, Internal Market to Sector-9, Madhya Marg, Chandigarh, but to no effect. Thereafter, the petitioner again made a representation dated 25.9.2017 (Annexure P-4) to the Excise and Taxation Commissioner-cum-Deputy Commissioner, UT, Chandigarh and respondent No.3 for relocation of vend, 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 the representations dated 4.9.2017 and 25.9.2017 (Annexures P-3 and P-4, respectively) to the respondents, 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.3 to take a decision on the representations dated 4.9.2017 and 25.9.2017 (Annexures P-3 and P-4, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within seven days from today.

(AJAY KUMAR MITTAL)
JUDGE

October 6, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No