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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6971/2017**

PRERNA MARKETING PRIVATE LIMITED Petitioner

Through: Mr Sandeep Sethi, Senior Advocate
with Mr Rajeev M. Roy and Mr P.
Srinivasan, Advocates.

versus

GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr Ramesh Singh, Standing counsel
for GNCTD with Mr Sandeepan
Pathak and Mr Rahul Rajput,
Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.08.2017

CM No. 28919/2017

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, quashing the directions contained in the Inspection Report dated 30.07.2017.
4. At the outset, Mr Sethi, learned senior counsel for the petitioner submits that the petitioner has already filed an appeal under Section 72 of the Delhi Excise Act, 2009 (hereafter 'the Act') challenging the said report and has limited the prayer in the present petition only with respect to the direction issued in the Inspection Report which proscribes the petitioner

from selling or serving liquor in the restaurant in question (Lithyum, Ashoka Hotel, New Delhi).

5. Mr Ramesh Singh, learned counsel for respondent no.1, submitted that respondent no.1 has the necessary authority to pass such directions. He referred to the provisions of Section 17(1) and Section 20 of the Act in support of his contention.

6. A plain reading of Section 17(1) of the Act indicates that the Licensing Authority has the power to suspend or cancel the licence in certain circumstances '*after giving reasonable opportunity of being heard*'. Section 20 of the Act expressly provides that the license granted is not transferable except with the prior approval of the Licensing Authority. It appears that respondent no.1's case is that the licence for running the restaurant has been granted to the Ashoka Hotel (ITDC), respondent no.3, and the same was not transferable to the petitioner.

7. This Court is not called upon to examine the merits of the rival contentions. It is apparent from the above that in certain circumstances, the concerned authorities would have the right to suspend the licence but in this case, no order suspending the licence granted to respondent no.3 has been brought to the notice of this Court. It is trite law that if a statute provides a particular method for doing a particular act, the same must be done in that particular manner only.

8. Respondent no.1 does not have any power to issue *ad hoc* orders outside the statutory provisions scope of the Act. Thus, while the officers of the respondent may have wide powers including to seize liquor in certain circumstances (and in this case, such powers have been exercised), the authority to proscribe serving liquor by issuing an inspection report is

plainly, not one of them.

9. In the circumstances, the present petition is disposed of by striking of the said direction (direction no.5 in the Inspection Report). However, it is clarified that this would not preclude respondent nos. 1 and 2 from initiating action for revocation or suspending the licence in accordance with law. It is clarified that to all rights and contentions of the parties are open.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

AUGUST 11, 2017
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