

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 16 of 2018**

- Amresh Dubey, S/o Shri Rambariksha Dubey, Aged About 45 Years, Through Power Of Attorney Holder Shyamsundar Singh, S/o Late Gend Singh, Aged About 55 Years, R/o Bazar Chowk, In Front Of Sonu Garage, Ambika Niwas, Yadunandan Nagar, Tifra, Bilaspur, Tahsil and District Bilaspur (Chhattisgarh)

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, Department Of Excise, Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi, Tahsil And District Raipur (Chhattisgarh)
2. Commissioner (Excise), Office Of The Excise Commissioner, Raipur, District Raipur (Chhattisgarh)
3. The Collector, Bilaspur, District Bilaspur (Chhattisgarh)
4. The Assistant Commissioner (Excise), Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

For Appellant	Shri Kishore Bhaduri, Advocate
For Respondent-State	Shri P. N. Bharat, Addl. AG

Hon'ble the Chief Justice Mr. Ajay Kumar Tripathi**Hon'ble Justice Mr. Prashant Kumar Mishra****Order On Board****01/08/2018**

1. Learned counsel representing the appellant now takes the least line of resistance while making his submissions against the impugned order dated 02.01.2018 passed by the learned Single Judge dismissing his writ petition.

2. The origin of the present dispute relates to an excise licence, which the appellant had and which expired on 31.03.2017 and was not renewed, because the Establishment or the Hotel fell foul of the directives issued by the Hon'ble Supreme Court in the case of **State of Tamil Nadu and others vs K. Balu and another**, reported in (2017) 2 SCC 281 and had been cancelled.
3. The Hon'ble Apex Court clarified its previous directions and the State of Chhattisgarh thereafter decided to make certain changes and amendments to the previous Chhattisgarh Excise Act, 1915, as amended in 2017.
4. The effect of the amendment to Clause 17 (3) (b) has already been dealt with by the learned Single Judge, therefore, we are not required to reconsider that aspect of the matter.
5. Even if the petitioner/appellant has failed in his endeavor to get his excise licence renewed by giving an interpretation to Section 17 (3) (b), it is nobody's case that if a hotel satisfies the conditions in terms of the present prevalent Excise Act and Rules of Chhattisgarh, his application for issuance of a licence, on an application made satisfying all the requirements and the yardsticks, cannot be considered again.
6. The learned Single Judge in paragraph 8 of the impugned order has taken note that a hotel can be granted bar licence having a three star rating and since he does not possess such a qualification, the refusal by the Excise Authority to renew or issue a licence in his favour cannot be said to be an erroneous order or

interpretation.

7. However, keeping the totality of the issue in mind and the order dated 22.09.2017, which was Annexure-P/1 and subject matter of challenge in the writ petition, if the appellant fulfills all the requirements, which are mandated under the New Chhattisgarh Excise Amended Act of 2017, to become eligible for grant of such excise licence, he will be free to apply and it will be considered on its own merits.
8. The appeal stands disposed off with the observation as above.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge