

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.1059 of 2018

Order reserved on: 23-8-2018

Order delivered on: 28-9-2018

Pernod Ricard India Pvt. Ltd., Through its Authorized Representative, Fifth Floor, D-3, District Center, Saket, New Delhi
---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Excise & Commercial Tax, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)
2. Excise Commissioner, Government of Chhattisgarh, Labhandi, Chokra Nala, Raipur, Distt. Raipur (C.G.)
3. Chhattisgarh State Marketing Corporation Limited, Through its Managing Director, Labhandi, Chokra Nala, Raipur, Distt. Raipur (C.G.)
4. Chhattisgarh State Beverages Corporation Limited, Through its General Manager, Labhandi, Chokra Nala, Raipur, Distt. Raipur (C.G.)

---- Respondents

For Petitioner:	Mr. Rajeev K. Virmani, Senior Advocate with Mr. Abhishek Sinha, Mr. Jyoti Prakash Sahu, Mr. Ankit Virmani and Mr. Amit Buxy, Advocates.
For Respondents No.1 and 2 / State: -	Mr. Arun Sao, Deputy Advocate General.
For Respondents No.3 and 4: -	Mr. Rajeev Shrivastava and Mr. Avinash Choubey, Advocates.
For Intervener:	Mr. Anup Majumdar, Advocate.

AND

Writ Petition (C) No.1060 of 2018

1. United Spirits Limited, a company registered under the Companies Act, 1956 and having its registered office at UB Tower, No.24, Vittal Mallya Road, Bangalore – 560 001, through its duly constituted attorney, Sushil Kumar Sharma, aged about 43 years, S/o Mr. J.M. Sharma, R/o Flat No.201, Building No.C-2, Karishma Complex, Anupam Nagar, P.S. Mowa, Raipur, Chhattisgarh

2. Somit Ghosh, aged about 47 years, S/o Late Shri Bishnu Charan Ghosh, working for gain at Area Sales Manager (L5B) at United Spirits Limited, Shop No.201, Second Floor, MM Silver Plaza, Ring Road No.1, P.S. Telibandha, Raipur, Chhattisgarh – 492 006.

---- Petitioners

Versus

1. State of Chhattisgarh, through its Chief Secretary, having office at Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Naya Raipur, Chhattisgarh.
2. Chhattisgarh Excise Department, through the Excise Commissioner, having its office at Abkari Bhavan, Labhandi, Chokra Nala, P.S. Telibandha, Raipur, Chhattisgarh.
3. Chhattisgarh State Marketing Corporation Limited, through its Chairman, having its office at Abkari Bhavan, Near Chokra Nala, Labhandi, P.S. Telibandha, Raipur, Chhattisgarh.
4. Chhattisgarh State Beverages Corporation Limited, through its Chairman, having its office at Labhandi, Chokra Nala, P.S. Telibandha, Raipur, Chhattisgarh.

---- Respondents

For Petitioners: Mr. D. Prakash Reddy, Senior Advocate with Mr. Ashish Gupta, Mr. Abhinav Kardekar, Mr. Sarathi Das Gupta and Mr. Arjun Pal, Advocates.

For Respondents No.1 and 2 / State: -
Mr. Arun Sao, Deputy Advocate General.

For Respondents No.3 and 4: -
Mr. Rajeev Shrivastava and Mr. Avinash Choubey, Advocates.

For Chairman, Chhattisgarh State Beverages Corporation Limited / Respondent No.4: -
Mr. Anup Majumdar, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

C.A.V. Order

1. The petitioners in these two writ petitions, who are manufacturers and sellers of foreign liquor in India, have filed these two writ petitions claiming relief to declare that the process of procurement of liquor in the State is arbitrary, non-transparent and vague, as it has conferred unguided and unbridled discretion on respondents

