HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

*THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

+WRIT PETITION Nos.1359, 1377, 1405, 1427, 1456, 1708, 1740, 1745, 1783, 1953, 1985, 1901, 2152, 2797, 2835, 2995, 3055, 3491 & 3595 of 2018

%08.02.2018

#Between:

WRIT PETITION No.1359 of 2018

D.Ramakrishna ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Revenue (Excise-II) Dept., A.P.Secretariat, Velagapudi,Amaravathi, Guntur District.

2. The Commissioner of Prohibition & Excise, Vijayawada, Vijayawada, Krishna District.

3. The Deputy Commissioner of Prohibition and Excise, Kakinada, East Godavari District,

4. The Prohibition and Excise Superintendent, Kakinada, East Godavari District,

5. The Station House Officer, Prohibition and Excise Station, Tallarevu, East Godavari District. ... Respondents

WRIT PETITION No.1377 of 2018

Pullaiah ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Revenue (Excise-II) Dept., A.P.Secretariat, Velagapudi,Amaravathi, Guntur District.

2. The Commissioner of Prohibition & Excise, Vijayawada, Vijayawada, Krishna District.

3. The Deputy Commissioner of Prohibition and Excise, YSR kadapa, YSR Kadapa District,

4. The Prohibition and Excise Superintendent, Proddutur, YSR Kadapa District,

5. The Station House Officer, Prohibition and Excise Station, Muddanur, YSR Kadapa District. ... Respondents

WRIT PETITION No.1405 of 2018

Ede Srinivasa Rao ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi,Amaravathi,
Guntur District.

2. The Commissioner of Prohibition & Excise,
Vijayawada, Krishna District. Govt. of A.P.

3. The Deputy Commissioner of Prohibition and Excise,
Vijayawada, Krishna District,

4. The Prohibition and Excise Superintendent,
Machilipatnam, Krishna District,

5. The Station House Officer, Prohibition and Excise Station,
Bantumilli, Krishna District. ... Respondents

WRIT PETITION No.1427 of 2018

K.Venkataramaiah ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi, Amaravathi,
Guntur District.

2. The Commissioner of Prohibition & Excise, Vijayawada,
Vijayawada, Krishna District, State of A.P.,

3. The Deputy Commissioner of Prohibition and Excise,
Guntur, Guntur District,

4. The Superintendent, Prohibition and Excise,
Guntur District.

5. The Station House Officer, Prohibition and Excise Station,
Piduguralla. ... Respondents

WRIT PETITION No.1456 of 2018

Balijepalli Venkateswarlu ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi,Amaravathi,
Guntur District.

2. The Commissioner of Prohibition & Excise, Vijayawada,
Vijayawada, Krishna District, State of A.P.

3. The Deputy Commissioner of Prohibition and Excise,
   Guntur, Guntur District,

4. The Superintendent, Prohibition and Excise,
   Guntur District.

5. The Station House Officer, Prohibition and Excise Station,
   Macherla, Guntur District. ... Respondents

WRIT PETITION No.1708 of 2018

Smt. D.Swarna Gowri ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
   Principal Secretary, Prohibition & Excise Dept.
   Secretariat Buildings, Velagapudi, Amaravathi,
   Guntur District.

2. The Commissioner of Prohibition & Excise, Vijayawada,
   Vijayawada, Krishna District, State of A.P.

3. The Deputy Commissioner of Prohibition and Excise,
   Chittoor, Chittoor District,

4. The Superintendent, Prohibition and Excise,
   Chittoor, Chittoor District, AP. ... Respondents

WRIT PETITION No.1740 of 2018

N.Hari Prakash Reddy ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
   Principal Secretary, Prohibition & Excise Dept.
   Secretariat Buildings, Velagapudi, Amaravathi,
   Guntur District.

2. The Commissioner of Prohibition & Excise,
   Vijayawada, Amaravathi, Andhra Pradesh

3. The Assistant Commissioner of Prohibition and Excise(Enft),
   YSR Kadapa District, Andhra Pradesh,

4. The Superintendent, Prohibition and Excise,
   YSR Kadapa District, Andhra Pradesh. ... Respondents

WRIT PETITION No.1745 of 2018

Boyiddapu Venkata Durga Parameswara Rao ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
   Principal Secretary, Revenue (Excise-II) Dept.,
   A.P.Secretariat, Velagapudi, Amaravathi,
   Guntur District.

2. The Commissioner of Prohibition & Excise,
Vijayawada, Krishna District, State of A.P.,

3. The Deputy Commissioner of Prohibition and Excise,
Visakhapatnam, Visakhapatnam district.

4. The Superintendent, Prohibition and Excise,
Gajuwaka, Visakhapatnam district.

5. The Station House Officer, Prohibition and Excise Station,
Subbavaram, Visakhapatnam district. ... Respondents

WRIT PETITION No.1783 of 2018

Sade Subhani Kumar ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi, Amaravathi,
Guntur District.

2. The Commissioner of Prohibition & Excise,
Vijayawada, Krishna District, State of A.P.,

3. The Deputy Commissioner of Prohibition and Excise,
Vijayawada, Krishna District,

4. The Superintendent, Prohibition and Excise,
Machilipatnam, Krishna District.

5. The Station House Officer, Prohibition and Excise Station,
Gudivada, Krishna District. ... Respondents

WRIT PETITION No.1953 of 2018

G.Gayatri, ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi, Amaravathi,
Guntur District.

2. The Commissioner of Prohibition & Excise,
Vijayawada, Krishna, State of A.P.,

3. The Deputy Commissioner of Prohibition and Excise,
Anantapur, Anantapur district,

4. The Superintendent, Prohibition and Excise,
Anantapur, Anantpaur District, ... Respondents

WRIT PETITION No.1985 of 2018

M/s.Sai Krishna Wines, Dakkili,
Rep. by its License Holder
Sri Ponugoti Venkata Krishnaiah, ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Revenue (Excise-II) Dept., A.P.Secretariat, Velagapudi, Amaravathi, Guntur District.

2. The Commissioner of Prohibition & Excise, Vijayawada, Krishna District, State of A.P.,

3. The Deputy Commissioner of Prohibition and Excise, Nellore, SPSR Nellore District,

4. The Superintendent, Prohibition and Excise, Gudur, SPSR Nellore District,

5. The Station House Officer, Prohibition and Excise Station, Venkatagiri, SPSR Nellore District. ... Respondents

WRIT PETITION No.1901 of 2018

M/s Sai Krishna Wines, Mopur,
Rep. by its License Holder Kalvokollu Sulochanamma ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Revenue (Excise-II) Dept., A.P.Secretariat, Velagapudi,Amaravathi, Guntur District.

2. The Commissioner of Prohibition & Excise, Vijayawada, Andhra Pradesh at Prasadampadu, Vijayawada Krishna District.

3. The Deputy Commissioner of Prohibition and Excise, Nellore, SPSR Nellore District,

4. The Prohibition and Excise Superintendent, Guduru, SPSR Nellore District.

5. The Station House Officer, Prohibition and Excise, Venkatagiri, SPSR Nellore District. ... Respondents

WRIT PETITION No.2152 of 2018

M/s Chirudeep Wines, rep. by its Licensee
Ghanta Gopalakrishna ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Revenue (Excise&Prohn.) Dept., A.P.Secretariat, Velagapudi, Amaravathi, Guntur District.

2. The Superintendent, Prohibition and Excise,
Kadapa, YSR Kadapa District,

3. The Inspector, Prohibition and Excise Station,
Sidhout, Kadapa District. ... Respondents

WRIT PETITION No.2797 of 2018

Jogi Siva Prasad, ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi, Amaravathi,
Guntur District.

2. The Commissioner of Prohibition & Excise,
Vijayawada, Krishna District, State of A.P.,

3. The Deputy Commissioner of Prohibition and Excise,
Vijayawada, Krishna District,

4. The Superintendent, Prohibition and Excise,
Machilipatnam, Krishna District. ... Respondents

WRIT PETITION No.2835 of 2018

Koota Venkata Surya Subbi Reddy ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi, Amaravathi, Guntur District.

2. The Commissioner of Prohibition & Excise,
Vijayawada, Krishna District, State of A.P.,

3. The Deputy Commissioner of Prohibition and Excise,
Visakhapatnam, Visakhapatnam district.

4. The Superintendent, Prohibition and Excise,
Gajuwaka, Visakhapatnam district.

5. The Station House Officer, Prohibition and Excise Station,
Gajuwaka, Visakhapatnam district. ... Respondents

WRIT PETITION No.2995 of 2018

S.Narasimhulu, ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi, Amaravathi,
Guntur District.

2. The Commissioner of Prohibition & Excise,
Vijayawada, Krishna District, State of A.P.,

3. The Deputy Commissioner of Prohibition and Excise,
Anantapur, Anantapur District,

4. The Superintendent, Prohibition and Excise,
Anantapur, Anantapur District,

5. The Station House Officer, Prohibition and Excise Station,
Anantapur, Anantapur District. ... Respondents

WRIT PETITION No.3055 of 2018

M/s Sri Sri Wines, ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi,Amaravathi,
Guntur District.

2. The Commissioner of Prohibition & Excise, Vijayawada,
Andhra Pradesh at Prasadampadu, Vijayawada
Krishna District.

3. The Prohibition and Excise Superintendent,
Visakhapatnam, State of A.P. ... Respondents

WRIT PETITION No.3491 of 2018

T.A.R.Narsinga Rao, ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue (Excise-II) Dept.,
A.P.Secretariat, Velagapudi, Amaravathi, Guntur District.

2. The Commissioner of Prohibition & Excise,
Vijayawada, Krishna District, State of A.P.,

3. The Deputy Commissioner of Prohibition and Excise,
Visakhapatnam, Visakhapatnam district.

4. The Superintendent, Prohibition and Excise,
Anakapalli, Visakhapatnam District.

5. The Station House Officer, Prohibition and Excise Station,
Yellamanchili, Visakhapatnam district. ... Respondents

And

WRIT PETITION No.3595 of 2018

Varaganti Venkateswarlu, ...Petitioner

AND

1. State of Andhra Pradesh, rep. by its
   Principal Secretary, Revenue (Excise-II) Dept.,
   A.P.Secretariat, Velagapudi,Amaravathi,
   Guntur District.

2. The Commissioner of Prohibition & Excise, Vijayawada,
   Andhra Pradesh at Prasadampadu, Vijayawada
   Krishna District.

3. The Deputy Commissioner of Prohibition and Excise,
   Nellore, SPSR Nellore District,

4. The Prohibition and Excise Superintendent,
   Guduru, SPSR Nellore District.

5. The Station House Officer, Prohibition and Excise,
   Vakadu, SPSR Nellore District. ... Respondents

!Counsel for the petitioners : Sri O.Manohar Reddy,
Sri Rajagopallavan Rayi
Sri Mangena Sree Rama Rao
Sri Srinath Atmakur,
N.Niyatha,
Sri K.V.Raghu Veer
Sri T.Nagarjuna Reddy
Sri S.V.Ramana
Sri K.Durga Prasad,
Sri N.Siva Reddy

Counsel for the respondents : Govt.Pleader for Proh& Excise.

<Gist :
>Head Note:

?Cases referred:

[1] 1984 (2) APLJ 1
[2] 2001 (6) ALD 201
[3] AIR 1978 SC 851
[4] AIR 1975 SC 1121
[5] 1978 (3)All E R 354
[6] AIR 1982 SC 65
[7] (1995 (1) SCC 574).
[8] 2001 (6) ALT 240 FB=2002 Suppl (1) ALD 375
[9] 1998 (6) ALD 204, 1998 (5) ALT 498
[10.] W.A. No. 877 and 878 of 1998, dt.01-06-1998(DB)
[11] 1994 (3) ALT 17 (NRC)=LAWS(APH) 1994 (9) 26
[12] 1994 (2) APLJ 42 (HC)=(2) ALT 270
[13] 1995 (1) ALD 164=1995 (1) ALT 1 (NRC)
[14] 1997 (4) ALD 625
[15] 2003 (2) ALT 549 (DB)
[16] 2002 (1) ALT 108 (DB)
[17.] 2004 (4) ALD 681

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION Nos.1359, 1377, 1405, 1427, 1456, 1708, 1740, 1745, 1783, 1953, 1985, 1901, 2152, 2797, 2835, 2995, 3055, 3491 & 3595 of 2018

COMMON ORDER:

All the petitioners in the 19 writ petitions respectively are the licensees of the wine shops in different parts of the State of Andhra Pradesh. Impugning the proceedings of suspension of the licence respectively by the Superintendent Prohibition & Excise of the concerned Districts, these writ petitions are filed.

2(a). So far as W.P.No.1359 of 2018 concerned the same is filed by one Sri D.Ramakrishna of M/s.D.J.Wines, GS.No. EG/128/2017-19, Guripudi Village, Karapa Mandal, East Godavari District, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Revenue (Excise-II) Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Kakinada, The Prohibition and Excise Superintendent, Kakinada and the Station House Officer, Prohibition and Excise Station, Tallarevu, East Godavari District. The prayer in the writ petition is to issue a writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in RC.No.PESKKD-IMLOO the/3/2018-JA-A3(P&E)-KKD-EG-1 dated 12.01.2018 and the consequential show cause notice issued in RC.No.PESKKD-IMLOO the/3/2018-JA-A3(P&E)-KKD-EG-1 dated 12.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(b). So far as W.P.No.1377 of 2018 concerned the same is filed by one Sri Pullaiah of M/s. Guru Wines, Muddanur Village and Mandal, YSR Kadapa District, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Revenue (Excise-II) Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, YSR Kadapa, The Prohibition and Excise Superintendent, YSR Kadapa, and the Station House Officer, Prohibition and Excise Station, Muddanur, YSR Kadapa District. The prayer in the writ petition is to issue a writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No.A4/340/2017 dated 08.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(c). So far as W.P.No.1405 of 2018 concerned the same filed by one Sri Ede Srinivasa Rao of M/s. Raghu Wines, Arthamuru Village, Bantumilli Mandal, Krishna District, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Revenue (Excise) Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Vijayawada, The Prohibition and Excise Superintendent, Machilipatnam, and the Station House Officer, Prohibition and Excise Station, Bantumilli, Krishna District. The prayer in the writ petition is to issue a writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in RC.No.228/2017/B4 dated 17.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(d). So far as W.P.No.1427 of 2018 concerned the same filed by one Sri K. Venkataramaiah of M/s. Swagath Wines, Machavaram Mandal, Guntur District, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Revenue (Excise-II) Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Guntur, The Prohibition and Excise Superintendent, Narasaraopet and the Station House Officer, Prohibition and Excise Station, Piduguralla, Guntur District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No.305/2017/A4 dated 06.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(e). So far as W.P.No.1456 of 2018 concerned the same filed by one Sri B. Venkateswarlu of M/s. Sri Rama Wines, Srigiripadu Village, Veldhurthy Mandal, Guntur District, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Revenue (Excise-II) Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Guntur, The Prohibition and Excise Superintendent, Narasaraopet and the Station House Officer, Prohibition and Excise Station, Macherla, Guntur District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent -Excise Superintendent cum licensing authority issued in Rc.No. 09/2018/

A4 dated 14.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(f). So far as W.P.No.1708 of 2018 concerned the same filed by one Smt. D. Swarna Gowri of M/s. RVT Wines, Punganur Town and Mandal, Chittoor District, and the respondent Nos.1 to 4 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Chittoor and the Prohibition and Excise Superintendent, Chittoor District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No.14/2018/A1 dated 17-1-2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(g). So far as W.P.No.1740 of 2018 concerned the same filed by one Sri N. Hari Prakash Reddy of M/s. Bhanu Wines, Rajampet, YSR Kadapa District, and the respondent Nos.1 to 4 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, YSR Kadapa and the Prohibition and Excise Superintendent, YSR Kadapa District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-A2/293/2017 dated 17.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(h). So far as W.P.No.1745 of 2018 concerned the same filed by one Sri B. Venkata Durga Parameswara Rao of M/s. Kick Wines, Venkatapuram, Durganagar Post, Visakhapatnam District, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Revenue (Excise-II) Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Visakhapatnam, The Prohibition and Excise Superintendent, Gajuwaka and the Station House Officer, Prohibition and Excise Station, Sabbavaram, Visakhapatnam District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in PE-STAOOTH/48/2018-JA(A4)-ESGWK, dated 19.1.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(i). So far as W.P.No.1783 of 2018 concerned the same filed by one Sri Sade Subhani Kumar of M/s. SS Wines, Vemavaram, Gudlavaleru Mandal, Krishna District, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Revenue (Excise) Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Vijayawada, The Prohibition and Excise Superintendent, Machilipatnam, and the Station House Officer, Prohibition and Excise Station, Gudivada, Krishna District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in RC.No.126/2017/A1 dated 17.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(j). So far as W.P.No.1901 of 2018 concerned the same filed by one M/s. Sai Krishna Wines, Mopur, Venkatagiri Unit, SPSR Nellore District, rep. by its licence holder K.Sulochanamma, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Nellore, the Prohibition and Excise Superintendent, Gudur and the Sub Inspector of Police, Prohibition & Excise, Venkatagiri, SPSR Nellore District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-367/2017/A6 dated 19.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(k). So far as W.P.No.1953 of 2018 concerned the same filed by one Smt. G.Gayatri of M/s. Navyasri Wines, Anantapuramu, Anantapuramu District and the respondent Nos.1 to 4 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The

Deputy Commissioner of Prohibition and Excise, Anantapuramu, the Prohibition and Excise Superintendent, Anantapuramu, Anantapuramu District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-05/2018/B dated 05.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(l). So far as W.P.No.1985 of 2018 concerned the same filed by one M/s. Sai Krishna Wines, Dakkili, Venkatagiri Unit, SPSR Nellore District, rep. by its licence holder P.Venkata Krishnaiah, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Nellore, the Prohibition and Excise Superintendent, Gudur and the Sub Inspector of Police, Prohibition & Excise, Venkatagiri, SPSR Nellore District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-366/2017/A6 dated 19.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(m). So far as W.P.No.2152 of 2018 concerned the same filed by one M/s. Chirudeep Wines, Nandalur, YSR Kadapa District, rep. by its licence holder Sri G.Gopala Krishna and the respondent Nos.1 to 3 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, the Prohibition and Excise Superintendent, Kadapa, YSR Kadapa District and the Inspector of Prohibition & Excise, Siddhout, YSR Kadapa District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 2nd respondent-Excise Superintendent cum licensing authority issued in Rc.No-A3/184/2017/2 dated 17.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(n). So far as W.P.No.2797 of 2018 concerned the same filed by one Sri Jogi Siva Prasad of M/s.Sri Red Lip Wines, Mallavolu, Krishna District and the respondent Nos.1 to 4 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Vijayawada and the Prohibition and Excise Superintendent, Machilipatnam, Krishna District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-257/2017/A2 dated 16.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(o). So far as W.P.No.2835 of 2018 concerned the same filed by one M/s. Maridimamba Wines, Parawada, Visakhapatnam District, rep.

by its licence holder K.Venkata Surya Subbi Reddy and the respondent Nos.1 to 5 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Visakhapatnam and the Prohibition and Excise Superintendent, Visakhapatnam and the Sub Inspector of Police, Prohibition & Excise, Gajuwaka, Visakhapatnam District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-164/2017/A4 dated 23.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(p). So far as W.P.No.2995 of 2018 concerned the same filed by one Sri S.Narasimhulu of M/s. L.N.Wines, Anantapuramu, Anantapuramu District and the respondent Nos.1 to 5 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Anantapuramu, the Prohibition and Excise Superintendent, Anantapuramu and the Sub Inspector of Police, Prohibition & Excise, Anantapuramu, Anantapuramu District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-05/2018/B dated 25.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(q). So far as W.P.No.3055 of 2018 concerned the same filed by one M/s. Sri Wines, Gullepalli Village, Subbavaram Mandal, Visakhapatnam District, rep. by its licence holder Smt.K.Nandini and the respondent Nos.1 to 3 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada and the Prohibition and Excise Superintendent, Visakhapatnam, Visakhapatnam District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 3rd respondent-Excise Superintendent cum licensing authority issued in File.No.PE-FIN/11/2018/JA(A4)-ESGWK, dated 29.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

2(r). So far as W.P.No.3491 of 2018 concerned the same filed by one M/s. Babu Wines, Timmarajupeta, Anakapalli, Visakhapatnam District, rep. by its licence holder T.A.R.Narsinga Rao and the respondent Nos.1 to 5 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Visakhapatnam and the Prohibition and Excise Superintendent, Visakhapatnam and the Sub Inspector of Police, Prohibition & Excise, Yellamanchili, Visakhapatnam District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-369/2017/A4 dated 30.01.2018 as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders; and

2(s). So far as W.P.No.3595 of 2018 concerned the same filed by one M/s.Sindu Wines, Chendodu, Kota Mandal, SPSR Nellore District, rep. by its licence holder Sri V.Venkateswarlu, and the respondent Nos.1 to 5 are State of Andhra Pradesh, Prohibition and Excise Dept., rep. by its Principal Secretary, The Commissioner of Prohibition and Excise, Vijayawada, The Deputy Commissioner of Prohibition and Excise, Nellore, the Prohibition and Excise Superintendent, Gudur and the Sub Inspector of Police, Prohibition & Excise, Vakadu, SPSR Nellore District. The prayer in the writ petition is to issue a writ of mandamus or other appropriate writ or order or direction declaring the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-07/2018/A3, dated 23.01.2018, as illegal, arbitrary, unconstitutional and contrary to A.P. Excise Act, 1968 and the rules made thereunder and in violation of principles of natural justice, consequently set aside the proceedings and be pleased to pass such other or further orders.

3. All writ petitions impugned orders mentioned as suspension pending enquiry with no time limit, but for insofar as 2(b). W.P.No.1377 of 2018 concerned by limiting for eight(8)weeks and however in so far as three writ petitions concerned in 2(j).W.P.No.1901 of 2018, 2(l).W.P.No.1985 of 2018 and 2(s).W.P.No.3595 of 2018, there is no mention of the suspension is pending enquiry and there is a mention of right of appeal against the order of suspension and thus those are deemed final orders, if not final orders, passed in question.

4. The writ petition supporting affidavit averments respectively in all these cases in nutshell so far as impugnment of the proceedings respectively concerned are that they are doing the business without contravention of any of the conditions of the licence or the provisions of the A.P. Excise Act (for short 'the Act') and the Rules made thereunder.

5. It is also the general averment in almost all cases that even Section 31 of the Act empowers the licensing authority either to cancel or to suspend the licence, the proviso to Section 31 reads that no licence or permit shall be cancelled or suspended unless the holder thereof is given an opportunity of making his representation against the action proposed to say the licensing authority thereby has no power to pass an order of suspension in a routine way even pending enquiry without opportunity of making representation. They placed reliance on the Full Bench expression of this Court in Tappers Cooperative Society, Maddur Vs. Superintendent of Excise, Mahaboobnagar[1] which speaks that the power to pass order of suspension pending enquiry is an incidental power conferred on the licensing authority, however same cannot be exercised in a routine way or as a matter of course; the licensing authority is bound to exercise the discretion reasonably, bonafide and without negligence in considering the circumstances of the case, when such an interim suspension is necessary and if it is possible to give an opportunity to the petitioner and the circumstances do not warrant such a drastic step, the licensing authority is bound to afford an opportunity as the power of suspension pending enquiry should not be exercised as an invariable rule or mode of making an enquiry nor it should be allowed to continue for an unduly long period. The authorities are bound to complete the enquiry as early as possible and any undue delay when it

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[1] 1984 (2) APLJ 1

constitutes abuse of power makes the order liable to be set aside. Whether the suspension of licence must be preceded by notice or opportunity must depend upon various factors such as, degree of urgency involved, the duration of suspension, the nature of the breach, public danger to be avoided and other similar circumstances which warrant an immediate action where it is not feasible or possible or even advisable to give an opportunity to the holders of the licences before passing interim orders of suspension.

6. It is also the general averment vis-à-vis the respective oral submissions of the learned counsel for the petitioners in support of their respective affidavits in almost all cases that:

a) merely because a person in possession of liquor of more than prescribed quantity, alleged as purchased from the shop of the licensee, same cannot be a ground,

b) any confession of any third party in possession cannot be a basis to pass an order of suspension of licence pending enquiry as held by this Court in V.P. Thimmaiah Vs. Commissioner of Prohibition and Excise, Government of AP, Hyderabad and Others[2], in the absence of any grave allegations or by other independent material warranting suspension pending enquiry to validate the same,

c) in some of the proceedings respectively nothing mentioned of which rules or conditions of the licence that are violated much less deliberately in coming to any conclusion of suspension pending enquiry,

d) the impugned proceedings are nothing but pre-determined,

e) in some of the proceedings respectively it was without prior show cause notice for enquiry with opportunity, leave apart if any show cause notice even prior or along with order of suspension pending

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[2] 2001 (6) ALD 201

enquiry issued is an empty formality and the suspension if at all shall be for the reasons mentioned in the show cause notice and not on fresh reasons as held by the Constitution Bench of the Apex Court in Mohinder Singh Gill Vs. the CEC, New Delhi[3], as such in some cases including (2-i)-W.p.No.1783 of 2017, despite show cause notice issued and no reply given that cannot be a basis for suspension for reasons shown otherwise to the show cause notice reasons,

f) apart from the fact that such a drastic step of suspension pending enquiry is not as a matter of course to pass without material to any necessity of avoiding public danger or in public interest and thereby the respective impugned proceedings are liable to be set aside,

g) in some of the cases supra, it is the contention that the so called surprise visit/raid including any bar or permit room and found any person in possession of any quantity or to rely any so called confession of such person even not a basis to initiate proceedings much less to suspend the licence including on any allegation of loose sale or diluted, a suspension to serve as a measure of punishment as a final order after enquiry thus could not have been resorted,

h) in some of other cases supra, it is the contention that the so called finding of bottles of the shop outside the licensed premises is also cannot be made a ground of suspension that too without enquiry,

i) in another set of cases in respect of other allegations as to sale against the MRP rate above to it is also baseless and without enquiry and opportunity any suspension thereby cannot be passed leave about a confession cannot be basis of some other person other than the licensee or person referred as noukarnama,

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[3] AIR 1978 SC 851

j) in some other set of cases the averment further is by virtue of the enabling provision under Section 47 of the Act even application made to compound the offences the action of suspension without considering the same is illegal and unsustainable.

7. The learned counsel for the respective petitioners thereby reiterating the respective facts of the writ petition affidavit averments and by drawing attention to the full bench expression and one or other subsequent expressions on the scope of Section 31 of the Act of suspension either final or deemed final or even suspension pending enquiry and opportunity of hearing and any confession of any person cannot be a basis and once bar licence granted the finding of any bottle with opening of seal cannot be a ground to suspend and for all these reasons the impugned proceedings are liable to be set aside by allowing the writ petitions as sought for.

8. Whereas it is the submission of the learned Government Pleader from the oral instructions in the respective writ petitions that the impugned orders no way require interference for this Court by entertaining the writ petition and there are neither factual errors nor legal infirmities in the orders passed and it is in the larger interest of the public only these orders are passed as fit cases of suspension pending enquiry and Section 31 proviso is applicable only to the final orders as a measure of punishment and not for incidental orders from the very full bench judgment of Tappers Cooperative Society supra and the case facts on each of the impugned proceedings show the violations and the necessity and not solely based on the so called confession of any third party. Leave apart there are final orders respectively being passed after show cause notice if not already served by so serving and with opportunity of submitting explanations and on considering the same with

hearing if any by conducting enquiry, leave apart there are statutory remedies of appeal/revision under Sections 63&64 of the Act if at all to impugn and there is no fundamental right under Article 19(g) to a liquor licensee and thereby sought for dismissal of the writ petitions.

9. Heard both sides and perused the prayer in the respective writ petitions with supporting affidavits and other material on record and the legal provisions and propositions.

10. Availability of effective alternative remedy is different from the bar in entertaining of the writ petition. Once the violation of the statutory provisions or basic principles of natural justice of opportunity and hearing are alleged leave about availability or otherwise and shall be followed or not, the writ petitions can be maintained despite alternative remedy. Thus the contention that there is a revision remedy to approach the Government to take either suo-mottu or on application of any aggrieved to call for and examine the records, is not a bar to maintain a writ petition, equally against any final or deemed final order providing with appeal remedy; once there is contention of violation of statutory provision and principles of natural justice. Leave about in each case to consider whether said contention is for contention sake or real to interfere and if so to what extent.

11. Coming to the legality and correctness of the impugned suspension proceedings respectively concerned, before coming to the facts now to consider the relevant provisions and propositions:

11-a).Section 31 of the Act deals with the power to cancel or suspend licence etc., and other sections like Sections 15,47 and the Rules amended from time to time and now governed by GOMs No.112 Rev.(Ex.II) Dept. dt.22.03.2017that also relevant to refer in this regard which read as follows: "Section 31-Power to cancel or suspend licence etc.

(1) Subject to such restrictions as may be prescribed, the authority granting any licence or permit under this Act may cancel or suspend it irrespective of the period to which the licence or permit relates.

(a) if any duty or fee payable by the holder thereof is not duly paid; or

(b) in the event of any breach by the holder thereof, or by any of his servants or by any one acting on his behalf with his express or implied permission, of any of the terms and conditions thereof; or

(c) if the holder thereof or any of his servants or any one acting on his behalf with his express or implied permission, is convicted of any offence under this Act, or

(d) if the holder thereof is convicted of any cognizable and non-bailable offence or of any offence under the Narcotics Drugs and Psychotropic Substances Act 1985 (Central Act 61 of 1985) or under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 or under the Trade and Merchandise Marks Act, 1958 or under Section 481, Section 482, Section 483, Section 484, Section 485, Section 486, Section 487, Section 488, Section 489 of the Indian Penal Code or of any offence punishable under Section 112 or Section 114 of the Customs Act, 1962, irrespective of the fact whether such conviction relates to the period earlier or subsequent to the grant of licence or permit; or

(e) if the conditions of the licence or permit provide for such cancellation or suspension at will:

Provided that no licence or permit shall be cancelled or suspended unless the holder thereof is given an opportunity of making his representation against the action proposed.

(2) Where a licence or permit held by any person is cancelled under clause (a), clause (b), clause (c) or clause (d) of sub-section (1), the authority aforesaid may cancel any other licence granted or permit issued to such persons under this Act, or under the Opium Act, 1878.

(3) The holder of licence or permit shall not be entitled to any compensation for its cancellation or suspension nor to the refund of any fee paid or deposit made in respect thereof."

11-b). "Section 15. Sale or buying of excisable article without licence prohibited:

(1) No person shall sell or buy any intoxicant except under the authority and in accordance with the terms and conditions of a licence granted in this behalf:

Provided that a person having a licence to draw toddy from an excise tree, may sell such toddy to a person licenced to buy toddy under this Act without obtaining a licence for such sale but subject to such restrictions and conditions as the Commissioner may, by general or special order, specify.

(2) A licence for sale or buying under sub-section (1) shall be granted–

(a) by the Prohibition and Excise Superintendent, if the sale or buying is within the district:

(b) by the Deputy Commissioner of Excise, if the sale or buying is in more than one district within his jurisdiction: and

(c) by the Commissioner, if the sale or buying is in an area within the jurisdiction more than one Deputy Commissioner:

Provided that, subject to such conditions as may be determined by the Commissioner, a licence for sale or buying granted under the excise law in force in any other part of India may be deemed to be a licence granted under this Act.

(3)Nothing in this section shall apply to the sale of any liquor lawfully procured by any person for his private use and sold by him or on his behalf or his representative in interest upon his quitting a station or after his decease.

(4) Not withstanding any thing in sub-sections (1) and (2), no club or hotel shall supply liquor to its members or customers on payment of a price or any fee or subscription except under the authority and in accordance with the terms and conditions of a licence granted in that behalf by the Commissioner on payment of such fee as may be fixed by him according to scale of fees prescribed therefor."

11-c). "Section 47. Compounding of offences:

(1) The Collector or any Prohibition and Excise Officer specially empowered in that behalf may accept from any person whose licence or permit is liable to be cancelled or suspended under clause (a) or clause (b) of sub-section (1) of Section 31 or who is reasonably suspected of having committed an offence falling under clause (b), clause (c), or clause (g) of Section 34; clause (a), clause (e), clause (f), clause (g) or clause (h) of Section 36; clause (b), clause (c) or clause (d) of Section 37; or Section 42, a sum of money not exceeding one lakh rupees and subject to such minimum as may be prescribed, in lieu of such cancellation or suspension or by way of compensation for the offence which may have been committed as the case may be, and in all cases in which any property, has been seized is liable to confiscation under this Act, may release the same on payment of the value thereof as estimated by such officer;

Provided that where the property so seized is a liquor manufactured in contravention of this Act, such liquor shall not be released but shall be disposed of in such manner as may be prescribed.

(2) On payment by the person, the sum of money or the value or both, as the case may be in accordance with the provisions of sub-section (1) or Section 47-A, such person, if in custody shall be set at liberty, and all the property seized may be released and no proceedings shall be instituted or continued against such person in any Criminal Court. The acceptance of compensation shall be deemed to amount to an acquittal and in no case any further proceedings be taken against such person or property with reference to same Act."

Undoubtedly Section 47 from the very wording supra gives discretion may accept from any person whose licence or permit to be liable to be cancelled or suspended under Section 31 of the Act or who is reasonably suspected of having committed an offence under Section 34 or 36 or 37 or 42, with release of seized liquor other than that manufactured by contravention of the provisions of the Act, on such conditions and in such manner as prescribed from time to time. Once the discretion is chosen to exercise even a criminal case is deemed acquittal by acceptance of the compensation and compounding to say no further proceedings against such person or property sustainable including person in custody to be set at liberty and property seized may be released as referred supra. Section 47-A of the Act speaks the special powers of Commissioner in this regard to the compounding of offences.

11-d). Coming to relevant definitions under Section 2 of the Act:

> Section 2(1) says arrack includes, unless the context otherwise requires, all liquor produced or manufactured in India and supplied by the Government, other than Foreign Liquor and Indian Made Foreign Liquor and For the expression "Indian Liquor" the expression: Indian Made Foreign Liquor" also substituted by Act 17 of 2006 to say therefrom wherever the word Indian liquor used Indian made foreign liquor to be read as applicable.
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> So far as bar licence concerned, the definition of bar in Section 2(1-A) means, unless the context otherwise requires, the privilege granted under the Act to an establishment, where food is served, for sale of Indian Made Foreign Liquor and Foreign Liquor in loose for consumption on the licenced premises.
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> Section 2(18-A) in-house means the privilege granted under the Act for sale of Indian Made Foreign Liquor and Foreign Liquor by club, Guest House of A.P. Tourism Development Corporation, Military Canteen, Airport Transit lounge for International Air passengers. (Clause-18-A inserted by Act 35 of 2005, effective from 20.05.2005).
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> Indian made foreign liquor as per Section 2(18) means liquor produced manufactured or compounded in India after the manner of Gin, Brandy, Whisky or rum imported from Foreign Countries and includes Wine, Beer, Milk Punch' and other liquors consisting or containing any such spirit, but does not include foreign liquor.
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> As per Section 2(8) denatured means subjected to a process prescribed for the purpose of rendering unfit for human consumption.
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> As per Section 2(15) Foreign Liquor includes every Liquor imported into India other than Indian Made Foreign Liquor and Arrack.
>
> Import defined in Section 2(17) means import except in the phrase Import into India.
>
> Import into India means (a) to bring into any area of the State to which this Act extends from any other area of the State to which this Act does not extend. (b) to bring into the State otherwise than from a

customs station, as defined in Section 2 of the Customs Act 1962 (Central Act 52 of 1962).

As per Section 2(21) liquor includes-(a) Spirits of wine, denatured spirits, methylated spirits, rectified spirit, wine, beer, toddy and every liquid consisting of or containing alcohol; and (b) Any other intoxicating substance which the Government may by notification, declare to be liquor for the purpose of this Act.

As per Section 2(24) place includes a house, building, booth, shed, enclosure, shop, tent, vessel, raft and vehicle.

As per Section 2(28-A) shop means the privilege granted under the Act for exclusive sale of Indian Made Foreign Liquor or Foreign Liquor in sealed or capsuled bottles or packages or tins to an individual in quantities not exceeding the limits as prescribed without permitting consumption on the licensed premises.

As per Section 2(28) sale or selling includes any transfer otherwise than by way of gift.

11-e). From the above, coming to the A.P.Excise (Grant of licence of selling by shop conditions licence) Rules 2012, vide G.O.Ms.391 R&E(EX-II) Dept. Dt.18.06.2012, u/sections 72, 17, 28 and 29 of the Act and in supercession of the earlier Rules issued in G.O.Ms.No.998, R REV(Ex.11) Dept.24.05.2005 and further added by G.O.Ms.No.357 REV.Ex.II Dept. Dt.22.06.2013 and further amended by G.O.Ms. No.112, dt.22.03.2017, which speak that:

Rule 4 speaks on Establishment of Shops that, subject to such directions, which the Government may issue in this regard from time to time, the Commissioner of Prohibition and Excise, having due regard to the requirement, public order, health, safety and other factors as he thinks fit, may fix the number of shops to be established in a Mandal/Nagar-Panchayat/Municipality/Municipal-Corporation (*substituted for the words an area/locality*) before the publication of notification under Rule 5 and may re-locate any un-disposed shops any where in the State (*substituted for the words from any area/locality*) as he thinks fit.

Rule 15 speaks that selected applicant shall submit application in Form 4(A) (*substituted for the words 'obtain licence*) after fulfilling the required formalities and satisfying the rules in respect of the premises where the shop will be located.

Rule 16 speaks on licence fee and privilege fee for retail shops, mode of levying and method of payment that:

(1) The annual licence fee for the shop licence (A-4) shall be levied on the basis of population and at the rates notified by the Government from time to time.

Provided that if a shop cannot be disposed of even after the commencement of the licence period and 30th April or 31st July, as the case may be*(substituted for the words 'upto 31st July)* the licence fee shall be reduced so as to be proportionate to the unexpired period, part of a month being treated as a full month.

[2(a)]. The licensee of a shop, the licence period of which commences from 1st April shall pay the licence fee for the licence period either in one lump-sum or in three installments at his option

[2(b)]. The licensee of a shop, the licence period of which commences from 1st July shall pay the licence fee for the licence period either in one lump-sum or in two equal installments at his option.

[3(a)]. Where the selected applicant opts to pay the licence fee in three installments, he/she shall pay the licence fee for the first three months period from 1st April to 30th June of the first year for the shop less the amount remitted under sub-rule(2)(iii) of Rule-12 on the day of selection or the succeeding working day by way of Challan. He/she shall also submit two Fixed Deposit Receipts of Bank Guarantees in Form A-5, each equal to the annual licence fee, valid for 4 months and 16 months respectively issued by a Scheduled Bank situated in Andhra Pradesh, within fifteen days of his/her selection and obtain the licence.

[3(b)]. Where the selected applicant opts to pay the licence fee in two installments, he/she shall pay the licence fee for the first year of the licence period of the shop less the amount remitted under sub-rule(2)(iii) of Rule-12 on the day of selection or the succeeding working day by way of Challan. He/she shall also submit a Fixed Deposit Receipt or Bank Guarantees in Form A-5, equal to the annual licence fee, valid for 16 months issued by a Scheduled Bank situated in Andhra Pradesh, within fifteen days of his/her selection and obtain the licence.

(4) for sub-rule (4), the following shall be substituted, namely,-

(4) (a) The Licensee of a shop, the licence period of which commences from 1st April shall remit the 2nd installment sum equal to the annual licence fee, on or before 20th June of the first year.

(b) The Licensee of a shop, the licence period of which commences from 1st July shall remit the 2nd installment sum equal to the annual licence fee, on or before 20th June of the succeeding year.

(c) The Licensee of a shop, the licence period of which commences from 1st April shall remit the 3rd installment sum equal to the annual licence fee, on or before 20th June of the succeeding year.
(d) The Licensee shall also remit Rs.5,00,000/- (Rupees Five lakhs only) towards non refundable re-registration charge on or before 20th June of the succeeding year.

(5) The licence fee shall be paid into the concerned Government treasury in the District in which the licensed premises is located.

(6) In case of default in payment of any installment, the fixed deposit receipt or the Bank Guarantee amount shall be adjusted against the installments of licence fee on the due dates.

(7) All interest accruing on the fixed deposit receipts shall vest in the Government and may be adjusted towards the Government dues including interest, if any, outstanding against the Licensee and if there be no such dues it shall be refunded to the Licensee at the end of the Licence period.

(8) If a Licence is surrendered in the middle of the Licence period, the fixed deposits/Bank Guarantees and the Licence fee paid shall be forfeited to the Government.

Rule 20 on Issue and commencement of Licence speaks that, mere selection of application does not entitle the applicant or confer on him any right to commence business until the licence has actually been issued. It shall be the responsibility of the successful applicant to (*complete the formalities contemplated in Rule 16 within the time specified and*) execute the counterpart agreement referred to in Rule 19 and *(obtain a licence).* If the successful applicant fails to do so his selection shall stand cancelled automatically.

Rule 21 speaks of Bar on renewal of Licence that, a Licence granted under these rules for the period from (1st April or 1st July of an year for a period of 27 months or 24 months, as the case may be, or part thereof *(substituted for the words "1st July, of an year to 30th July of the succeeding year')* or part thereof shall not be considered for renewal for the subsequent year(s).

Rule 25 (as amended by G.O.Ms.No.218,Rev.(Ex.II).Dept. dt.22.06.2015 & G.O.Ms. No.112 dt.22.03.2017) speaks on selection of premises that,

1.(a).Subject to the approval of the Prohibition & Excise Superintendent the selected applicant shall select suitable premises for sale of IMFL and FL within the Municipal Corporation, Municipality, Nagar Panchayat or Mandal, as the case may be, as notified in the District Gazette. It shall be at least 100 meters away from the places of Public worship, Educational Institutions and Hospitals.

(b) "No shop for the sale of liquor shall be (i) visible from a national or state highway (ii) directly accessible from a national or state highway and (iii) situated within a distance of 500 Mts. of the outer edge of the national or state highway or of a service lane along the highway".

(c) "No signages and advertisements of the availability of liquors shall be permitted both on national and state highways."
Explanation: For the purpose of this rule-

(a) "Place of public worship" means a temple registered with the Endowment Department, Mosque registered with Wakf Board and Church and includes such other religious institutions, as the State Government may by order specify in this behalf;

(b) "Educational Institutions" means any Primary school, Middle School and High School recognized by the State Government or Central Government, Junior College or any College affiliated to any University established by law:

(c) "High Way" means National High way or State Highway as notified by the competent authority.

(d) "Hospital" means any hospital which is managed or owned by a local authority, State Government or Central Government or any private hospital having a provision of at least thirty (30) beds.

(2) The holder of Licence in Form A-4 shall be licenced in Form A-4(B) to have a Permit Room.

Provided that no permit room licence in Form A4 (B) shall be granted to the Shop licensees in respect of Hybrid Hyper Markets or Malls.
The premises selected for permit room must be adjacent to the existing A-4 Licenced premises and it must have a minimum plinth area of 15 sq.mtrs.for consumption of liquor with facilities of sanitation such as wash basin, water closet and drinking water.

Provided that the selected premises for permit room shall be at least 100mtrs away from the places of public worship, educational institutions and hospitals.

Provided further that the selected premises for permit room shall not be (i) visible from a national or state highway (ii) directly accessible from a national or state highway and (iii) situated within a distance of 500 Mts. of the outer edge of the national or state highway or of a service lane along the highway".

(3) The distances referred above shall be measured from the mid-point of the entrance of the Licenced premises along the nearest path by which a pedestrian would ordinarily reach the mid-point of the nearest gate of the institution or a place of public worship, if there is a compound wall and if there is no compound wall to the mid-point of the nearest entrance of the Institution/ place of public worship.

(4) The boundaries of the premises shall be indicated in the licence.

(5) There shall be a single door for entry and exit for the licenced shop and sales shall be conducted without giving entry to the customers inside the premises.

Rule 26 speaks of licence fee for permit room and method of payment.
Rule 28 speaks of (1). The licensee shall sell liquor only at the premises specified in the licence.

(2). No change or alteration of the licenced premises shall be made nor the licenced premises shifted else where.

(3). Shifting of the licenced premises may be permitted for valid reasons within the same notified Mandal/Nagar Panchayat/ Municipality/ Municipal Corporation, subject to conditions as may be specified by the Commissioner of Prohibition & Excise and subject to payment of 1% of licence fee or Rs.25,000/- whichever is higher.

Provided that the Commissioner of Prohibition and Excise may consider and permit for valid reasons shifting of the licenced premises of Shop located in the 2 KM belt area from the periphery of a Municipality or 5 KM belt area from the periphery of a Municipal Corporation within the same belt area from the periphery of a Municipality or a Municipal Corporation only, without affecting the total number of notified shops in the Mandal/Nagar Panchayat/Minicipality/Municipal Corporation subject to conditions as may be specified by the Commissioner of Prohibition & Excise and subject to payment of 1% of licence fee or Rs.25,000/- whichever is higher.

Rule 33 speaks of licensee not to declare any person to be or not to be his partner, without prior permission of the Commissioner.

Rule 34 speaks of licensee not to stock unauthorized Indian Made Foreign Liquor and liquor.

Rule 35 speaks of licensee not stock Indian Made Foreign liquor or foreign liquor at unauthorized place.

Rule 36 speaks of licensee to sell IMFL and FL of specified strength.

Rule 37 speaks IMFL or FL not to be adulterated.

Rule 38 speaks of such an adulterated IMFL or FL to be seized where unfit for use or standard or adulterated or spurious or belief that same substance had been admixed by any process or manner and to be stopped from being sold and seized the same or to take such other further action.

Rule 39 speaks IMFL or FL shall not be given or sold to lunatics, persons known or believed to be in a state of drunkenness, persons about whom it is known or suspected of they are likely to participate in the commission of sedition, insurrection, breach of peace or any other similar offence threatening public peace and tranquility, soldiers in uniform and camp servants of military officers in uniform and persons below 21 years of age.

Rule 40 speaks of every bottle of IMFL or FL in a licenced premises shall carry excise adhesive label or hologram on the cap of the bottle in addition to the manufacturers label as approved by the commissioner.

Rule 41 speaks of sale of only duty paid IMFL or FL.
Rule 42 speaks of maximum retail price that to be indicated on the labels of the bottle and to issue bills.
Rule 43 speaks of Harbouring of certain persons prohibited.
Rule 44 speaks of Employment of servants.
Rule 45 speaks of Intimation to Excise officer.
Rule 46 speaks of Consignments to be opened only in the presence of the excise officer.
Rule 47 speaks of No breakages or losses in transit allowed
Rule 48 speaks of Licensee to maintain accounts
Rule 49 speaks of Licensee to maintain brand-wise accounts.
Rule 50 speaks of Entries in the daily accounts register.
Rule 51 speaks of Statements of accounts to be furnished.
Rule 52 speaks of Monetary transactions with officers prohibited.
Rule 53 speaks of Officers authorized to inspect premises.
Rule 54 speaks of Inspection book to be maintained.
Rule 55 speaks of Licence to be surrendered to the Prohibition and Excise Superintendent on expiry
Rule 56 speaks of Licensees to abide by provisions of the Act etc.
Rule 57 speaks of Suspension, withdrawal or cancellation of a, licence or permit.
Rule 58 speaks of Stocks on cancellation of licence
Rule 59 speaks of Stocks on withdrawal of licence
Rule 60 speaks of No Remission for closure
Rule 61 speaks of Removal of difficulties

In Form A-1 (as per Rule 6(i)) declaration of prospective licensee to abide by the A.P.Excise (Grant of licence of selling by shop conditions licence) Rules 2012(as amended time to time) and other terms.

In Form A-2 (as per Rule 6(ii)) affidavit of prospective licensee as per the A.P.Excise (Grant of licence of selling by shop conditions licence) Rules 2012(as amended time to time) and other terms with declaration of nature of right/ownership over property and not to alienate etc., undertakings.

In Form A-3(A) application for grant of A-4 licence (as per Rule 12 of the A.P.Excise (Grant of licence of selling by shop conditions licence) Rules 2012(as amended time to time) and other terms with particulars including as per condition 8 the details of premises to be licenced.

In Form A-4 (as per Rule 15 of the A.P.Excise (Grant of licence of selling by shop conditions licence) Rules 2012(as amended time to time) and other terms in giving the A-4 licence with the details of premises to be licenced as to Door number, boundaries and other description furnished in form 3(A).

In Form A-4(A) application (as per Rule 24 of the A.P.Excise (Grant of licence of selling by shop conditions licence) Rules 2012(as amended time to time) and other terms for permit room in Form A-4(B) permit/licence.

11-f). From this now coming to Section 31 of the Act referred supra, the Full Bench of this Court in Tappers Cooperative Society supra, on reference on interpretation of the scope of proviso to Section 31(1) and Section 15 of the Act and Rule 18 of the AP Rectified Spirit Rules observed that, no doubt once a licence is granted valuable right would accrue to the licensee and that can be taken away as per the provisions of the Act. But as a rule of construction, the proviso cannot have a larger effect than it intended to govern the final disciplinary proceedings of suspending or cancelling a licence of permit. If the proviso to sec.31 (1) is sufficient and the authorities are bound to issue the notice even for suspension pending enquiry, the sub-rule(2) with its proviso is unnecessary as the law presumes such power pending enquiry. The rule specially provided an opportunity even for suspension pending enquiry. It shall be noticed that under Rule 18 of Andhra Pradesh Rectified Spirit Rules there is no suspension as a substantive punishment but provides only for cancellation and a suspension pending enquiry.

The specific provision in Sec.31(l) proviso of the Act, whether operates as a prohibition against the powers of the licensing authority to pass such orders as an incidental or ancillary power of granting such licence or permit or of passing final orders of suspension or cancellation, is the issue. The view of the division bench in Writ Appeal No.588/77, dated 7.12.77 answering the question in the affirmative is challenged and that was why the reference was made.

In order to answer this question as to Sec.31(1) proviso of the Act whether operates as a prohibition, it is to examine the distinction between a suspension as a penalty and a suspension as a temporary measure.

The next question to be examined is whether the rule of audi-alterem-partem is excluded in the case of an order suspending a licence as a temporary measure but not as a penalty?

In para 32 end it is observed that in case of intoxicants, the Govt. has got full control and the State has got power to part with those rights for a consideration as privileges, and Article 19(1)(g) has no application (vide, Har Shankar Vs. Dy.E&T.Commissioner[4]). The judicial review of administrative action if the violation is not a right but a privilege will be undoubtedly of a different degree and content. Hence under the impugned proceedings the petitioners have to establish the violation of statutory provisions in respect of the privilege conferred upon by the state under the licences granted to them.

In para 33 it is observed that- the next question....In Lewis Vs Heffer[5], the court of appeal held that the right to a hearing depends on the distinction between a suspension as a temporary measure or a penalty. In that case Lord Denning MR accepting the view of Megary J. that an expulsion of a member protanto operates as a penalty and the

[4] AIR 1975 SC 1121
[5] 1978 (3)All E R 354

rules of natural justice applies,....But they do not apply to suspensions which are made as a holding operation pending enquiries.

In para 35 it is observed that, the power of the court to grant exparte injunctions and stays are well known instances of excluding the rule of natural justice, but a tentative one and the violation of natural justice cannot be complained.......De-smith in his judicial review of administrative action, fourth edition at page 199 observes- "where an act or proposal is clearly the first step in a sequence of measures which may culminate in a decision detrimental to a person's interests, the courts will generally decline to accede to that person's submission that he is entitled to be heard in opposition to this initial act, particularly if he is entitled to be heard at a later stage" ......Whether suspension of a licence should be preceded by notice and opportunity to be heard may depend on various factors-e.g.,the degree of *urgency involved*, the *duration of the suspension*, whether suspension *involves a finding of guilt,* whether it *entails material financial loss* and *whether it is a purely temporary measure pending full review*". So it is clearly seen that if the denial of opportunity is only postponed considering the urgency, the law allowed it, as the public interest will be defeated if prior notice of opportunity is necessary as a condition precedent in every case. *It is not as if, that such power can always be exercised invariably. If orders are passed which constitute abuse of power or excess and unreasonable, this court can always interdict the proceedings....*

The Full Bench expression in its majority further held in Paras 43 to 45 as follows:

"(43). Recently the Supreme court while sustaining the constitutional validity of a provision in Punjab Foodgrains Dealers Licensing And Price Control Order,1978 providing suspension pending enquiry observed in M/s.

Sukhwinder Pal Bipin Kumar Vs State of Punjab[6] that the power of suspension is a necessary concomitant of the power to grant a privilege or a licence and the power of suspension is a necessary adjunct of the power to grant licence.

(44). The power of suspension which is concomitant or adjunct is no doubt restricted by the statutory provision under the proviso in question to pass final orders of suspension but that power cannot be said to have taken away the power to pass an interim order of suspension not intended to be a penalty but only interim measure to pass effective orders. This conclusion of ours applies with greater force when we notice that we are concerned with the liquor licences in which the citizen has no right guaranteed under Article 19(1)(g) of the Constitution of India but only a privilege. No doubt once a licence is granted valuable right would accrue to him and that can be taken away as per the provisions of the Act. But as a rule of construction the proviso cannot have a larger effect than it intended to govern the final disciplinary proceedings of suspending or cancelling a licence or permit.

Rule 18 of the Andhra Pradesh Rectified Spirit Rules, 1971 is as follows:

"18. (1) if the licensee or permit - holder under these rules is guilty of breach of any of the rules, his licence or permit is liable for cancellation and he will also be prosecuted under the relevant provisions of the Act. Provided that subject to the provision of sec.47 of the Act, the licensing authority may accept from any person guilty of breach of any provision of the Act or the Rules or from any person whose property is liable to confiscation, such compounding fees as may be necessary, subject to a maximum of Rs.1,000/-, in lieu of punishment for breach of any of the provision of the Act or of the Rules or of confiscation of the property. (2) the licence is also liable to be suspended by the licensing authority pending investigation or enquiry into breach of these Rules or licence conditions by the licensee or by any person in his employ. Provided that revocation under sub-rule(1) and suspension under sub-rule(2) shall not be made until the holder of the licence has been given an opportunity showing cause against the action proposed to be taken. (3) *Every such order shall be in writing and shall specify the reasons for the suspension or revocation and shall be communicated to the licensee*. (4) When a licence is cancelled or suspended under this Rule, the holder of the licence shall not be entitled to claim from the government any compensation or refund of licence fee for such cancellation or suspension."

It is clear that the Rule provides suspension pending an investigation and a proviso enjoins the authorities to give opportunities. The question is would this rule lend support to the petitioner? To our mind it is not. If the proviso to sec.31(1) is sufficient and the authorities are bound to issue the notice even for suspension pending enquiry the sub-rule(2) with its proviso is unnecessary as the law presumes such power pending enquiry. The rule specially provided an opportunity even for suspension pending enquiry. It shall be noticed that under rule 18 there is no suspension as a substantive punishment but provides only for cancellation and a suspension pending enquiry. Further it is not permissible rule of construction to construe the power under the statute with reference to the rule made by the executive even though the rules have statutory powers. Hence we are clearly of the opinion that the licensing authority can suspend, a licence or permit pending final orders.

(45) However we must make it clear that this incidental or ancillary powers cannot be exercised in a routine way or as a matter of course.

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[6] AIR 1982 SC 65

The licensing authority is bound to exercise the discretion reasonably, bona fide and without negligence considering the circumstances of the case when such interim suspension is necessary. If it is possible to give an opportunity to the petitioner and the circumstances do not warrant such a drastic step, the licensing authority is bound to afford an opportunity as the power of suspension pending enquiry should not be exercised as an invariable rule or mode of making an enquiry. Further, the suspension pending the enquiry should not be allowed to continue for an unduly long period. The authorities are bound to complete the enquiry as early as possible and any undue delay when it constitutes abuse of power makes the order liable to be set aside. Whether the suspension of licence must be preceded by notice or opportunity must depend upon various factors such as, degree of urgency involved, the duration of suspension, the nature of the breach, public danger to be avoided, and other similar circumstances which warrant an immediate action where it is not feasible or possible or even advisable to give an opportunity to the holders of the licences before passing interim orders of suspension."

11-g). In Khoday Distilleries vs. State of Karnataka[7]-A Constitution Bench of the Supreme Court, after referring to various authorities, summarized the law on the subject relating to right to carry on trade or business in potable liquor. "In paragraph 60 (b), (f), (g) and (m), it was laid down as under.

(b) The right to practise any profession or to carry on any occupation, trade or business does not extend to practising a profession or carrying on an occupation, trade or business which is inherently vicious and pernicious, and is condemned by all civilized societies. It does not entitle citizens to carry on trade or business in activities which are immoral and criminal and in articles or goods which are obnoxious and injurious to health, safety and welfare of the general public, i.e., res extra commercium, (outside commerce). There cannot be business in crime.

(f) For the same reason, again, the State can impose limitations and restrictions on the trade or business in potable liquor as a beverage which restrictions are in nature different from those imposed on the trade or business in legitimate activities and goods and articles which are res extra commercium. The restrictions and limitations on the trade or business in potable liquor can again be both under Article 19(6) or otherwise. The restrictions and limitations can extend to the State carrying on the trade or business itself to the exclusion of and elimination of others and/or to preserving to itself the right to sell licences to do trade or business in the same, to others.

(g) When the State permits trade or business in the potable liquor with or without limitation, the citizen has the right to carry on trade or business subject to the limitations, if any, and the State cannot make discrimination between the citizens who are qualified to carry on the trade or business.

(m) The restrictions placed on the trade or business in industrial alcohol or in medicinal and toilet preparations containing liquor or alcohol may

[7] (1995 (1) SCC 574).

also be for the purposes of preventing their abuse or diversion for use as or in beverage".

11-h). In Sri Narsimha Wines v. Prohibition and Excise[8], (FB), a Full Bench of this Court observed that, <u>the matter relating to grant of liquor licence is a matter of contract</u>.

11-i). In Superintendent, Prohibition & Excise Vs. Krishna Wines[9], a Division Bench of this Court while referring to above decision of the Full Bench and other relevant decided cases held as under:

> "It is now well settled that doctrine of natural justice if embodied in the statute ought to be given its true and proper meaning, and one need not give it restrictive meaning, but the entire text of the statute shall have to be looked into for the purpose of attributing a proper meaning. Section 31, therefore, encompasses to severable elements, the first being the power inherent and the second being the power as prescribed. In the event of there being an order of suspension simpliciter, question of invocation of the second element, does not and cannot arise, but in the event, however, the order of suspension partakes the character of a penalty, then and in that event, question of reading into the statute the first element does arise."

11-j). In Assistant Commissioner of Prohibition and Excise & Prohibition and Excise Superintendent, R.R. District and others Vs. M/s.Jayadeep Wines, Gaddiannaram[10], another Division Bench expressed similar opinion that:

> "<u>It is now well settled that the power to suspend a licence pending enquiry is inherent and therefore if the order is in the nature of an interim order, the principles of natural justice need not be complied with unless the order is in the nature of a penalty or a final order on a perusal of the order, we are of the view that the impugned order is in the nature of an interim order and therefore in exercise of the inherent power, the authorities are competent to suspend the licences</u>."

11-k). In M/s.Madhavi Wines, Mancherial Vs. Excise Superintendent[11] it has been held by the Division Bench that only where suspension is resorted to as a substantive punishment an opportunity of

[8] 2001 (6) ALT 240 FB=2002 Suppl (1) ALD 375
[9] 1998 (6) ALD 204, 1998 (5) ALT 498
[10] W.A. No. 877 and 878 of 1998, dt.01-06-1998(DB)
[11] 1994 (3) ALT 17 (NRC)=LAWS(APH) 1994 (9) 26

hearing has to be given to the person whose licence is proposed to be suspended. There can thus be no difficulty in cases where suspension is resorted to as an interim measure pending enquiry into the charges leveled against the licensee, but where suspension is resorted to as a substantive punishment an opportunity of hearing has to be given to the person whose licence is proposed to be suspended.

11-l). In Satyanna Goud Vs. Excise Superintendent, Mahboobnagar[12], this Court by referring to the full bench expression of Tappers Cooperative Society supra held that if it is possible to give an opportunity to the petitioner and the circumstances do not warrant such a drastic step, the licensing authority is bound to afford an opportunity as the power of suspension pending enquiry should not be exercised as an invariable rule or mode of making an enquiry.

11-m). In M/s. Sree Devi Wines Vs. The Deputy Commissioner of Excise, Kakinada and Others[13], this Court held that the authority passing the order already concluded on the violation of the conditions, no opportunity given to the dealer to make his representation, held the order is bad being violative of Section 31 of the Act. Thus this decision is not an authority on scope of suspension pending enquiry since available.

11-n). In Sunil Vs. Assistant Commissioner of Prohibition and Excise/Excise Superintendent, Twin Cities of Hyderabad, Narayanguda and Another[14], this Court held that for suspension pending enquiry into the allegation that the licensee is getting the liquor sold outside the licenced premises through others in violation of Rule 19 of the conditions of Licences Rules, no prior notice need be given to the licensee and it

[12] 1994 (2) APLJ 42 (HC)=(2) ALT 270
[13] 1995 (1) ALD 164=1995 (1) ALT 1 (NRC)
[14] 1997 (4) ALD 625

cannot be complained of violation of principles of natural justice. *Suspension of licence basing on confession made by the person selling the liquor coupled with the fact that the liquor sold by him is one supplied to the petitioner-licensee by the A.P. Beverage Corporation Limited, is not liable to be interfered as it is only an interim order pending enquiry*. It further held at Paras 4 to 9 as follows:

> "4. This Court as early as in the year 1984 took the view that "the power of suspension which is concomitant or adjunct is no doubt restricted by the statutory provision under the proviso in question to pass final orders of suspension but that power cannot be said to have been taken away to pass an interim order of suspension not intended to be a penalty but only interim measure to pass effective orders. This conclusion of ours applies with greater force when we notice that we are concerned with the liquor licences in which the citizen has no right guaranteed under Article 19 (1) (g) of the Constitution of India but only a privilege. No doubt once a licence is granted, valuable right would accrue to him and that can be taken away as per the provisions of the Act. But as a rule of construction the proviso cannot have a larger affect than it intended to govern the final disciplinary proceedings of suspending or cancelling a licence or permit "(see 1984 (2) APLJ page 1 (FB)). The impugned order in this case itself says that the licence of the petitioner is kept under suspension pending enquiry. It is not a final order. Enquiry is yet to be commenced and a final decision has to be taken. It is true that the petitioner is required to be given an opportunity of making his representation before taking a final decision in the matter. The statute does not require issuance of any notice or opportunity for keeping the licence under suspension pending enquiry. The requirement of notice and opportunity is only in cases of final decision of suspension or cancellation of the licence as the case may be. Therefore, the impugned order cannot be declared as ultravires the provisions of the Act or the Rules. The principles of natural justice have no application as the rights of the petitioner to hold the licence till the end of the period for which it is granted is yet to be decided. The order of suspension pending enquiry is an interim measure taken by the authority in public- interest.
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> 5. The learned Counsel for the petitioner, however, relied upon a decision rendered by this Court in Satyanna Goud v. Excise Superintendent-1994 (2) ALT 270, in support of his submission that the petitioner's licence could not have been kept under suspension by merely depending upon the confessional statement of one D. Ramesh, who has no concern whatsoever with the petitioner's business. It is true there is a reference to the confessional statement of the said D. Ramesh that he is selling the liquor with the consent of the petitioner on a dry day i.e., on 1-7-1997. But, it is required to notice that on verification it was found that the liquor seized on 1-7-1997 from the possession of the said D. Ramesh was supplied to the petitioner's shop on 4-6-1997 and 25-6-1997 by the Andhra Pradesh State Beverage Corporation Limited for the purpose of selling the same in retail by the licensee. In Satyanna Goud, the Court observed that there is no material whatsoever except the alleged oral statement of the person from whom the toddy was seized. In

such view of the matter, the Court came to the conclusion that there was no basis whatsoever for keeping the licence under suspension. Such is not the case on hand. The suspension order passed by the respondent is not only based upon the confessional statement of the said D. Ramesh but also based upon the further material available on record that what was being sold by D. Ramesh was the same liquor supplied by the Beverage Corporation to the petitioner for the purpose of retail sale through the licenced shop. It cannot be said that there is no prima facie case for keeping the licence under suspension pending enquiry. The observations of the Court are made only for the purpose of considering the submission made by the learned Counsel for the petitioner. No opinion as such is expressed on the merits of the case and the observations shall have no bearing whatsoever on the enquiry to be made by the respondents for taking further appropriate action in accordance with law. The decision in M/s. Madhavi Wines, Mancherial v. Excise Superintendent, Adilabad, 1994 (3) ALT 17 (NRC) has no application, whatsoever, to the instant case. It was a case where the licence was suspended as a substantive punishment and not an interim measure pending enquiry of the charges leveled against the licensee. It was a case where final order of suspension was passed without giving any opportunity to the licensee to represent his case. The Division Bench came to the conclusion that such a final orders suspending the licence without giving a reasonable opportunity to the licensee is ultravires Section 31 (1) (b) of the A.P. Excise Act, 1968. Here is a case of suspension pending enquiry and not a final order. The decision relied upon by the learned Counsel for the petitioner in Sree Devi Wines v. Dy. Commissioner of Excise, Kakinada and Ors. 1995 (1) ALD 164 = 1995 (1) ALT 1 (NRQ) also has no application. It was a case where the impugned order of suspension was construed and viewed as final order of suspension as the authority passing the order has already concluded about the violations of the condition by expressing final opinion that the licensee has wilfully violated the licence conditions and rules and indulged in malpractices Under Section 36 (b) of the A.P. Excise Act, 1968. No such final opinion is expressed by the authority in this case. Therefore, the present impugned order is an order which is pure and simple order of suspension of the licence of the petitioner pending enquiry.

6. It is settled law that this Court in a judicial review proceeding under Article 226 of the Constitution does not act as a Court of appeal against the orders passed by the statutory authorities. The Court is more concerned with the decision making process. Court is not required to express any opinion on the merits of the case while considering the validity of an order of suspension pending enquiry. Rights of the licensee are yet to be adjudicated. In such cases, a very limited judicial review is available. The Court would interfere only in a case where the impugned order is passed without jurisdiction or which could be said to be so perverse that no reasonable person could have taken such a decision in the facts and circumstances of the case. Such is not the case on hand.

7. In the similar circumstances, this Court declined to interfere and disposed of a Writ Petition at the admission stage with a direction to the authority to dispose of the enquiry pending before him within a period of four weeks from the date of receipt of a copy of the order after affording an opportunity of being heard to the licensee (See the order dated 8-7-1997 in W.P. No. 14393 of 1997). I feel that similar directions in this case would meet the ends of justice.

8. I do not see any reason whatsoever to interfere in the matter and set aside the impugned order.

9. The Writ Petition is accordingly disposed Of with a direction to the 1st respondent i.e., the Assistant Commissioner of Prohibition & Excise/Excise Superintendent, Twin Cities of Hyderabad at Narayanaguda, Hyderabad District, to dispose of the enquiry pending before him within a period of four weeks from the date of receipt of a copy of this order after affording an opportunity of being heard to the petitioner. No costs.

11-o). In V.P.Thimmaiah supra, this Court held that licence cannot be cancelled on confessional statement of an accused until he had violated conditions of licence. However, when that is not the only basis as held by Sunil supra, it no way requires interference by writ court.

11-p). In Goka Bujjamma Vs. Prohibition and Excise Superintendent, Srikakulam[15], the Division Bench of this Court held that the appellant permitted to run the shop pending enquiry into show cause notice and for that observed: A Division Bench of this Court comprising of Chief Justice and V.V.S. Rao, J., in the judgment reported in K.Srinivasa Reddy V. Superintendent, Prohibition And Excise[16] in an identical matter held as follows:

"The proviso appended to Section 31(1) of the Act clearly states that no licence or permit shall be cancelled or suspended unless the holder thereof is given an opportunity of making his representation against the action proposed. In the instant case, the 1st respondent neither gave any notice to the appellants nor gave them any opportunity to make their representation against the action proposed. The 1st respondent, instead of proposing the action of suspending the licence, has passed a final order suspending the licence of the appellants, which is illegal and against the provisions of Section 31 (1) of the Act."

11-q). In K.Srinivasa Reddy's case (supra), the Division Bench found that the order impugned reads as if it is a final order under Section 31(1) and therefore held it was illegal and against the provisions of Section 31(1) of the Act since the licensee was not issued a prior notice. Similar view has been expressed in Goka Bujjamma's case (supra). In both the said cases supra, the decision of the Full Bench in

[15] 2003 (2) ALT 549 (DB)
[16] 2002 (1) ALT 108 (DB)

Tappers Co-operative Society's case supra was not brought to the notice of the Division Benches. Hence, said decisions relied on by the learned Counsel for the petitioners are distinguishable and not applicable to the case on hand.

11-r). In Venkateswara Wines Vs. Superintendent of Prohibition and Excise and Others[17], this Court held: in view of the fact that the power to suspend a licence pending enquiry has already been upheld by a Full Bench of this Court reported in Tappers Co-op. Society, Maddur, v. Superintendent of Excise, this writ petition being premature could not be, therefore, allowed. However, in the facts and circumstances of the case, the authority concerned is directed to complete the enquiry within a period of one month from the date of receipt of a copy of this order. The writ petitions are accordingly disposed of.

12). From the above legal position, the only thing to be considered with reference to the individual facts is whether the suspensions are pending enquiry as an interim measure for which principles of natural justice have no application including of any prior show cause notice or opportunity of hearing for final orders to be passed after notice and opportunity of hearing from any submissions by giving reasons and or final orders or deemed final orders as penalty to comply with.

12-a). So far as W.P.No.1359 of 2018 of M/s.D.J.Wines concerned, the proceedings of the Excise Superintendent-cum-licensing authority issued in RC.No.PESKKD-IMLOO the/3/2018-JA-A3(P&E)-KKD-EG-1 dated 12.01.2018 speaks on the facts give rise to suspension pending enquiry that on 11.01.2008 the Sub Inspector supra, STF team with staff conducted raids in Tallarevu, booked case in Cr.No.23/2018 u/sec.34(a)

[17] 2004 (4) ALD 681

of the Act, for unauthorized possession of 18 IML bottles of 120ml size with Ch.Manikyam who also confessed of purchased stocks from A-4 shop of DJ wines supra and *also ascertained and found the bottles belongs to the A.4 shop of DJ wines supra* which is evident of deliberate violation of the Rules and licence conditions and pending enquiry thereby suspended as functioning of the shop is detrimental to the public interest.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite as per the full bench expression in Tappers Co-op. Society supra, besides Sunil & Venkateswara Wines supra, to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

Further for the show cause notice issued in RC.No.PESKKD-IMLOO the/3/2018-JA-A3(P&E)-KKD-EG-1 dt.12.01.2018, which is on even date of suspension and for no bar to the suspension pending enquiry therefrom as per Tappers Co-op. Society supra, it is left open to the petitioner to submit explanation to pass final orders u/sec.31 of the Act and the Rules made thereunder.

12-b). So far as W.P.No.1377 of 2018 of M/s.Guru Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No.A4/340/2017 dated 08.01.2018 speaks on the facts give rise to suspension pending enquiry that on 05.01.2018 the Inspector supra, STF team with staff reached the shop of M/s.Guru Wines and found the shop was closed, but the permit room of A-4(B) licence was opened and found a person sitting with one carton box in front of him by name Gijari Hanumans, who disclosed of said carton box contain liquor 30 nip bottles (each 180ml) belong to M/s.Guru Wines and he is working in the shop and as per the instructions of the shop owner by supply he is now selling. When found out of which, 7 nip bottles are without heals and 23 having heals and among which 23 nips of heavens door whisky 180ml, 4 nips of Haywards select whisky 180ml, 2 nip bottles of Honeybee genuine Brandy 180ml and one nip bottle of Masion House XO brandy 180ml and also found Rs.480/- at the carton box and on scanning the liquor bottles with mobile scanner it is revealed those are supplied to M/s.Guru Wines and samples drawn for chemical analysis and therefrom booked case in Cr.No.31/2017 u/sec.34(a) of the Act, and *also ascertained from depot Manager APSPDCL IML unit, Proddutur confirming the bottles belongs to the A.4 shop of Sri Guru wines supra but for 02 Heals Nos. of HD Whisky of M/s Dwaraka wines and GVR wines respectively each,* which is evident of deliberate violation of the Rules and licence conditions and pending enquiry thereby suspended as functioning of the shop is detrimental to the public interest.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite as per the full bench expression in Tappers Co-op. Society supra, besides Sunil & Venkateswara Wines supra, to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

12(c). So far as W.P.No.1405 of 2018 of M/s.Raghu Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in RC.No.228/2017/B4 dated 17.01.2018 speaks on the facts give rise to suspension pending enquiry that on 21.12.2017 the Sub-Inspector supra, STF team with staff reached Kanchedam village and found a person with Mica bag and on suspicion when questioned, he disclosed of said bag with him contain liquor 25 nip bottles (each 180ml). When found out of which, 10 nip bottles are Bagpiper Elite whisky and 15 anytime fine whisky with batch Numbers and on scanning the liquor bottles with mobile scanner it is revealed those are supplied to M/s.Raghu Wines and samples drawn for chemical analysis and therefrom booked case in Cr.No.82/2017 u/sec.34(a) of the Act, which is evident of deliberate violation of the Rules and licence conditions and pending enquiry thereby suspended as functioning of the shop is detrimental to the public interest, by saying Show cause notice has been issued to the licensee for the said violation and in his explanation stated he and his noukarnama holder have not sold more than 3 or 4 IMFL bottles to anyone and do not know the accused and did not even clarify the batch numbers belongs to his shop or not. In fact there is no bar even after show cause notice and reply as per Tappers Co-op. Society supra, pending enquiry to suspend.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite as per the full bench expression in Tappers Co-op. Society supra, besides Sunil & Venkateswara Wines supra, to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

2(d). So far as W.P.No.1427 of 2018 of M/s.Swagath Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No.305/2017/A4 dated 06.01.2018 on the facts give rise to suspension pending enquiry speaks that on 30.12.2017 the Sub-Inspector supra, STF team with staff reached at Turkapalem village and found two persons proceeding on Hero Glamour vehicle by carrying something and on suspicion when questioned, they disclosed of their carrying liquor and when found it is 24 nip bottles of Evershine Premium Classic whisky and samples drawn for chemical analysis and therefrom booked case in Cr.No.132/2017 u/sec.34(a) of the Act. The 24 nips supra do not having any heals codes on it and noticed small stickers attached to each bottle namely Ch.V.L.Reddy. the two persons reveals of the said stickers affixed by the shop owner of Swagath wines, Machavaram supra, to identify their stock supplying to unauthorized outlets there from. As it is evident of deliberate violation of the Rules and licence conditions, and pending enquiry thereby suspended as functioning of the shop is detrimental to the public interest, by saying Show cause notice has been issued to the licensee for the said violation and submitted explanation. However, the CC TV recorded data of 13.12.2017 establishes the 24 bottles are of the Swagath Wines, Machavaram and the stickers affixed as referred supra. In fact there is no bar even after show cause notice and reply as per Tappers Co-op. Society supra, pending enquiry to suspend.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite as per the full bench expression in Tappers Co-op. Society supra, besides Sunil & Venkateswara Wines supra, to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

12(e). So far as W.P.No.1456 of 2018 of M/s.Sri Rama Wines concerned the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No.09/2018/A4 dated 14.01.2018 on the facts give rise to suspension pending enquiry speaks that on 13.01.2018 the Sub-Inspector supra, STF team with staff while checking MRP violations at Veldurti Mandal, at Sirigipadu, sent mediator to purchase 750ml bottle from M/s.Sri Rama Wines supra and the mediator purchased Mc Dowell No.1 Gold Brandy 780ml for Rs.480/- against MRP of Rs.440/- which is a violation and therefrom visited the A-4 shop supra where one G.P.Ranga Reddy present and conducting business and when shown and questioned, he disclosed of the sale by him for the said Rs.40/- excess price from which booked case in Cr.No.02/2018 u/sec.31(1)(b) of the Act r/w R.42 of the Conditions of Licence Rules 2012. As it is evident of deliberate violation of the Rules and licence conditions, pending enquiry thereby suspended. Though it is mentioned of Sec.31 of the Act in the order of suspension pending enquiry, it will not make as a final or deemed final order.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite as per the full bench expression in Tappers Co-op. Society supra, besides Sunil & Venkateswara Wines supra, to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

12(f). So far as W.P.No.1708 of 2018 of M/s.RVT Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No.14/2018/A1 dated 17-1-2018 on the facts give rise to suspension pending enquiry speaks that on 11.01.2018 the Inspector supra with his team while conducting raids at Obireddipalli cross on Punganur-Eudru bus road found a person traveling two wheeler with white polythene bag and on suspicion questioned disclose about that polythene bag contained liquor bottles and found and seized of the 20 nips of 999 Power Star fine Whisky, 3 nips Heywards fine Whisky and 2 nips Old Tavern Whisky total 25 duty paid liquor stock without having any heals and the said person disclosed his identity as P.Ramakrishna Reddy and the liquor bottles purchased from M/s.RVT Wines supra to sell for high price at Punganur and collected samples and Cr.No.4 of 2018 u/sec.34(a) of the Act registered by the SHO. The above facts are clear of the M/s.RVT Wines supplied the duty paid liquor to the unauthorized person supra for illegal sales at unauthorized places by willful violation of the condition No.1 of the A-4 shop licence in Form-A.4 of the conditions of licence Rules in suspending the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil &

Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

12(g). So far as W.P.No.1740 of 2018 of M/s. Bhanu Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No-A2/293/2017 dated 17.01.2018 on the facts give rise to suspension pending enquiry speaks that on 04.01.2018 the DSP, STFT with his team while conducting surprise visit at the A-4 shop of M/s. Bhanu Wines, found four loose liquor bottles in the almyrah adjacent to sales counter and one of which is HD Heavens Door whisky 180ml with about half of the quantity without Heal, one of which is Honeybee Genuine Brandy 180ml with about half of the quantity with Heal, one of which is Officers choice reserve whisky 180ml with about half of the quantity with Heal and one Mc Dowell, No.1 Celebration luxury xxx rum 180ml, about half of the quantity with Heal and on enquiry the person in the shop conducting the sales produced noukarnama with name and address by disclosing of conducting loose sales as per the instructions of the shop owner of M/s. Bhanu Wines and drawn samples and Cr.No.4 of 2018 u/sec.34(a) of the Act, is regsitered. From the above facts suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

12(h). So far as W.P.No.1745 of 2018 of M/s. Kick Wines, concerned, the proceedings of the Excise Superintendent cum licensing authority issued in PE-STAOOTH/48/2018-JA(A4)-ESGWK, dated 19.1.2018 on the facts give rise to suspension pending enquiry speaks that on 08.01.2018 the Sub Inspector, STFT with his team while conducting vehicle check at Moghalipuram, found a person traveling on two wheeler with contraband and on suspicion questioned disclosed about liquor bottles and found and seized of the 15 nips of Officers Choice Reserve Whisky 180ml, 15 nips of Directors Special fine whisky 180ml, 10 nips of Aristocrat Premium Reserve Whisky 180ml, 5 nips of Mc Dowell No.1 Whisky 180ml, 5 nips of Imperial Blue Classic Grain Whisky 180ml, total 50 liquor stock and the said person disclosed his identity as G.Santhosh and of at instructions of B.V.D.P.Rao of kick wines supra he purchased bottles from kick wines and handed over 30 bottles to one B.Bangaramma to sell unauthorizedly. It is also on verification found the 50 liquor bottles are the stock belongs to M/s.kick Wines supra and collected samples and Cr.No.5 of 2018 u/sec.34(a) of the Act registered by the SHO. The above facts are clear of the licensee M/s.Kick Wines is deliberately violated the conditions of the A-4 shop licence in Form-A.4 of the conditions of licence Rules and a show cause notice issued for which there is an improper reply issued and hence in the public interest suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder, for no bar to the suspension pending enquiry even after show cause notice and reply as per Tappers Co-op. Society supra.

12(i). So far as W.P.No.1783 of 2018 of M/s.SS Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in <u>RC.No.126/2017/A1 dated 17.01.2018 on the facts give rise to suspension pending enquiry speaks that</u> on 16.12.2017 the Sub Inspector, STFT with his team while proceeding to Vemavaram, found a person with one mika bag in his right hand and on suspicion questioned disclosed about liquor bottles and found and seized of the 49 IML bottles with Heal Numbers viz; 14 Old Tavern Fine Whisky 180ml and 35 Old Label Superior whisky 180ml with batch numbers and said person disclosed his identity as P.Sivaiah and purchased from the SS wines supra to sell for high price unauthorizedly. It is also on verification through scanner found the 49 liquor bottles are the stock belongs to M/s.SS Wines supra and collected samples and Cr.No.173 of 2017 u/sec.34(a) of the Act registered by the SHO. The above facts are clear of the licensee M/s.SS Wines has deliberately violated the conditions of the A-4 shop licence in Form-A.4 including the sale above permissible quantity of the conditions of licence Rules 2012 and a show cause notice issued for which there is no any reply issued even after expiry of 15 days time including after extension of time till 17.01.2018 on the ground of his brother expired and hence in the public interest suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder, for no bar to the suspension pending enquiry even after show cause notice and reply as per Tappers Co-op. Society supra.

12(j). So far as W.P.No.1901 of 2018 concerned of M/s. Sai Krishna Wines, Mopur, impugning the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-367/2017/A6 dated 19.01.2018 on the facts give rise to suspension of the licence of M/s. Sai Krishna Wines, the proceedings speak that on 09.12.2017 the Sub Inspector with his team while conducting raids, found at the house of one T.Chinavemaiah in a plastic gunny bag 14 liquor bottles 4 having Heal Numbers and 8 having no Heal Numbers and on questioned disclosed about purchased the liquor bottles from A-4 shop of M/s. Sai Krishna Wines, Mopur, and on verified Heal Numbers of the 6 bottles and found of M/s. Sai Krishna Wines, Mopur, and seized of the bottles, collected samples and Cr.No.192 of 2017 u/sec.34(a) of the Act registered by the SHO. Further on 12.01.2018 the Sub Inspector with STF team booked another crime 2 of 2018 for 19 Old Tavern bottles seized from K.Sulochanamma who also disclosed of supplied by the A-4 shop of M/s Sai Krishna Wines supra. The above facts are clear of the licensee M/s. Sai Krishna Wines, Mopur, has deliberately violated the conditions of the A-4 shop licence in Form-A.4 and hence in the public interest suspended the licence with immediate effect.

Having regard to the above, the very order is not an order of suspension pending enquiry but as if a final order by also mentioning there is a right of appeal to the Deputy Commissioner and the same without show cause notice and violation of principles of natural justice being per se illegal, arbitrary and contrary to A.P.Excise Act, 1968 and the rules made and the pronouncements thereunder referred supra and is thereby liable to be set aside by giving liberty to the respondents to issue show cause notice and from submission of explanation and on hearing by giving reasons pass final orders u/sec.31 of the Act and the Rules made thereunder.

12(k). So far as W.P.No.1953 of 2018 of M/s.Navyasri Wines concerned the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No-05/2018/B dated 05.01.2018 on the facts give rise to suspension pending enquiry speaks that on 04.01.2018 the Sub Inspector with his team reached M/s.Navyasri Wines supra, found a person who is nowkarnama holder by name C.Nagaraju and on inspection found 3 loose liquor bottles one of Haywards Select Whisky 180ml with about half quantity, one Honeybee Brandy 180ml with about half quantity and HD Heavans Door Whisky 180ml with about half quantity, on questioned disclosed about loose sales unauthorizedly. It is also on verification found the liquor bottles are the stock belongs to M/s.Navyasree Wines supra and collected samples and Cr.No.7 of 2018 u/sec.34(a) of the Act registered by the SHO. The above facts are clear of the licensee M/s.Navyasree Wines has deliberately violated the conditions of the A-4 shop licence in Form-A.4 including by loose sales through noukarnama and of the conditions of licence Rules 2012 and hence in the public interest suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers

Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder, for no bar to the suspension pending enquiry even after show cause notice and reply as per Tappers Co-op. Society supra.

12(I). So far as W.P.No.1985 of 2018 concerned of M/s. Sai Krishna Wines, Mopur, impugning the proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-366/2017/A6 dated 19.01.2018 on the facts give rise to suspension of the licence of M/s. Sai Krishna Wines, the proceedings speak that on 09.12.2017 the Sub Inspector with his team while conducting raids, found at the house of one K.Udaykumar of Vellikallu 16 liquor bottles in a plastic gunny bag, 7 having Heal Numbers and 9 having no Heal Numbers and on questioned disclosed about purchased the liquor bottles from A-4 shop of M/s. Sai Krishna Wines, Mopur, and on verified Heal Numbers of the 6 bottles and found of M/s. Sai Krishna Wines, Mopur, and seized of the bottles, collected samples and Cr.No.193 of 2017 u/sec.34(a) of the Act registered by the SHO. The above facts are clear of the licensee M/s. Sai Krishna Wines, Mopur, has deliberately violated the conditions of the A-4 shop licence in Form-A.4 and hence in the public interest suspended the licence with immediate effect.

Having regard to the above, the very order is not an order of suspension pending enquiry but as if a final order by also mentioning there is a right of appeal to the Deputy Commissioner and the same without show cause notice and violation of principles of natural justice being per se illegal, arbitrary and contrary to A.P.Excise Act, 1968 and the rules made and the pronouncements thereunder referred supra and is thereby liable to be set aside by giving liberty to the respondents to issue show cause notice and from submission of explanation and on hearing by giving reasons pass final orders u/sec.31 of the Act and the Rules made thereunder.

12(m). So far as W.P.No.2152 of 2018 of M/s.Chirudeep Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No-A3/184/2017/2 dated 17.01.2018 on the facts give rise to suspension pending enquiry speaks that on 17.01.2018 the Inspector, STF with his team reached M/s Chirudeep Wines supra, found a person who is unauthorized transacting business by name B.Madangopaiah and found 4 liquor bottles of one litre each of Honeybee brandy and one half filled one litre of Honeybee brandy seals are open. Further strength is checked by hydrometer and thermometer with the help of SS table and found lower than specified and said person disclosed about doing the sales unauthorizedly at the direction of the owner of M/s Chirudeep Wines supra. Samples are drawn from the seized stock supra. The above facts are clear of the licensee M/s. Chirudeep Wines has deliberately violated the conditions of the A-4 shop licence in Form-A.4 including by loose sales by dilution of liquor through unauthorized person and of the conditions of licence Rules 2012 and hence in the public interest suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder, for no bar to the suspension pending enquiry even after show cause notice and reply as per Tappers Co-op. Society supra.

12(n). So far as W.P.No.2797 of 2018 of M/s.Sri Red Lip Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No-257/2017/A2 dated 16.01.2018, on the facts give rise to suspension pending enquiry speaks that on 11.12.2017 the Sub Inspector, STFT with his team while proceeding to Rayavaram in raids, found a person with liquor bottles and on verified and found 33 nips duty paid liquor and seized of the 33 bottles without Heal Numbers viz; 11 Imperial Blue Classic Whisky 180ml, 13 Directors Special Fine whisky 180ml and 9 Everyday Whisky 180ml and said person disclosed his identity as N.Venkateshwaramma and that she purchased from Sri Redlip wines supra to sell for high price unauthorizedly. It is the stock belongs to M/s.Sri Redlip Wines supra and collected samples and Cr.No.178 of 2017 u/sec.34(a) of the Act registered by the SHO. The above facts are clear of the licensee M/s.Sri Redlip Wines has deliberately violated the conditions of the A-4 shop licence in Form-A.4 including the sale above permissible quantity of the conditions of licence Rules 2012 and a show cause notice issued for which there is no any reply issued even after expiry of 15 days time including after extension of time till 16.01.2018 and hence in the public interest suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder, for no bar to the suspension pending enquiry even after show cause notice and reply as per Tappers Co-op. Society supra.

12(o). So far as W.P.No.2835 of 2018 of M/s. Maridimamba Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in <u>Rc.No-164/2017/A4 dated 23.01.2018</u>, <u>on the facts give rise to suspension pending enquiry speaks that</u> on 22.01.2018 the Inspector with his team while conducting vehicular check at Gajuwaka Y Junction, found liquor bottles in Bajaj auto and on verified and found 960 nips IML HD Heaven Door 180ml and seized and said persons in the auto disclosed their identity as G.S.Reddy, K.Satish and L.Appaladora and collected samples and Cr.No.178 of 2017 u/sec.34(a) of the Act registered by the SHO. They disclosed about their planning to run mobile sales on the occasion of dry day of January, 2016, by making loose sachets and contacted D.J.Rao working in M/s Maridamamba Wines, Parwada and when proceeded to Parwada and enquired said D.J.Rao he disclosed about he has given from the shop of Maridamamba wines the bottles supra which is the stock thus belongs to M/s. Maridamamba Wines supra. The above facts are clear of the licensee M/s. Maridamamba Wines has deliberately violated the conditions of the A-4 shop licence in Form-A.4 including the sale above permissible quantity of the conditions of licence Rules 2012 and hence in the public interest suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder, for no bar to the suspension pending enquiry even after show cause notice and reply as per Tappers Co-op. Society supra.

12(p). So far as W.P.No.2995 of 2018 of M/s.L.N.Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No-05/2018/B dated 25.01.2018, on the facts give rise to suspension pending enquiry speaks that on 22.01.2018 the Inspector with his team proceeded to M/s.L.N.Wines and found nowkarnama holder N.Srinivasulu transacting business and on inspection found in the counter one black cover beneath cash counter containing one nip of original Choice Whisky containing 90ml, one nip of Buckarthy Black Rum containing 90ml, one nip of Heywards Select Whisky containing 90 ml, one nip of Bagpiper Whisky contaiing 90ml, one nip of Romonova Vodka of 90ml, one nip of black and gold brandy 90ml, one nip of Old Tavern Whisky 90ml all the seven nips are duty paid and said person disclosed identity and stated conducting loose sales and collected samples and Cr.No.29 of 2018 u/sec.34(a) of the Act registered by the SHO. The above facts are clear of the licensee M/s. L.N.Wines has deliberately violated the conditions of the A-4 shop licence in Form-A.4 including the sale above permissible quantity of the conditions of licence Rules 2012 and hence in the public interest suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder, for no bar to the suspension pending enquiry even after show cause notice and reply as per Tappers Co-op. Society supra.

12(q). So far as W.P.No.3055 of 2018 of M/s.Sri Sri Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in File.No.PE-FIN/11/2018/JA(A4)-ESGWK, dated 29.01.2018, on the facts give rise to suspension pending enquiry speaks that on 20.01.2018 the Sub Inspector, STF with his team detected at Gulepalli village, of a person disclosed his name as A.Rama Rao selling liquor to public and seized 70 nips of various liquor bottles described in the proceedings of same seized with an amount of Rs.150/-, collected samples and Cr.No.13 of 2018 u/sec.34(a) of the Act registered by the SHO. The said person disclosed of purchased daily two boxes of said liquor bottles from M/s.Sri Sri Wines and sold at pan shop opposite to petrol bunk, Gullepalli and it was on instructions of owner of M/s.Sri Sri Wines and the salesman Gangadhar from A-4 shop daily issued two boxes of IML to sell unauthorizedly and established of said 90 nip bottles of IML stock belongs to the A-4 shop of M/s.Sri Sri Wines. Show cause notice issued and not submitted explanation within the stipulated time. The above facts are clear of the licensee M/s.Sri Sri Wines has deliberately violated the conditions of the A-4 shop licence and Rules and hence in the public interest suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder, for no bar to the suspension pending enquiry even after show cause notice and reply as per Tappers Co-op. Society supra.

12(r). So far as W.P.No.3491 of 2018 of M/s.Babu Wines concerned, the proceedings of the Excise Superintendent cum licensing authority issued in Rc.No-369/2017/A4 dated 30.01.2018, on the facts give rise to suspension pending enquiry speaks that on 29.01.2018 the Sub Inspector with his team proceeded to Thimmarajupeta village, as surprise check at M/s.Babu Wines and found a person disclosed his name as K.Arunkumar, nowkarnama selling liquor at sales counter and found 9 loose liquor bottles described in the proceedings with insufficient quantity and seized said liquor bottles described in the proceedings, collected samples and Cr.No.19 of 2018 u/sec.34(a) of the Act registered by the SHO. The said person disclosed of selling liquor loosely and on verification found the same as diluted with cheap liquor Heaven Door Whisky mixed to the above seized liquor bottles of Directors Special Fine Whisky, Officers choice reserve and blue whisky and Royal Street whisky and Mc Dowell Brandy belongs to the A-4 shop of M/s.Babu Wines. Show cause notice issued and not submitted explanation within the stipulated time. The above facts are clear of the licensee M/s.Babu Wines has deliberately violated the conditions of the A-4 shop licence and Rules and hence in the public interest suspended the licence pending enquiry.

Having regard to the above, there is no any illegality or arbitrariness or unconstitutionality or anything contrary to A.P.Excise Act, 1968 and the rules made thereunder referred supra and also no any violation of principles of natural justice to set aside the proceedings, but for the said proceedings of suspension pending enquiry cannot be indefinite and once there are grave allegations even based on confession interim suspension can be ordered as per the expressions in Sunil & Venkateswara Wines referring to the full bench expression in Tappers Co-op. Society supra and to confine the same for a period of six(6) weeks from the date of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder, for no bar to the suspension pending enquiry even after show cause notice and reply as per Tappers Co-op. Society supra.

12(s). So far as W.P.No.3595 of 2018 concerned of M/s.Sindu Wines, Chendodu, impugning the <u>proceedings of the 4th respondent-Excise Superintendent cum licensing authority issued in Rc.No-07/2018/A3, dated 23.01.2018, on the facts give rise to suspension of the licence</u> of M/s.Sindu Wines, Chendodu, <u>the proceedings speak that</u> on 21.12.2017 the Sub Inspector with his team while conducting raids, found a person with a plastic bag and on suspicion when questioned disclosed his name as T.Saikumar of Prakasham colony and about liquor bottles therein and when verified found 75 liquor bottles of 180ml viz; 65 Bagpiper Elite Whisky and 10 Heavens Door, dutypaid and on the 75 bottles Heal Numbers torn on questioned disclosed about purchased the liquor bottles from A-4 shop of M/s.Sindu Wines and selling unauthorizedly without licence and seized of the bottles, collected samples and Cr.No.212 of 2017 u/sec.34(a) of the Act registered by the SHO. The above facts are clear of the licensee M/s.Sindu Wines, has deliberately violated the conditions of the A-4 shop licence in Form-A.4 and hence in the public interest suspended the licence with immediate effect.

Having regard to the above, the very order is not an order of suspension pending enquiry but as if a final order by also mentioning there is a right of appeal to the Deputy Commissioner and the same without show cause notice and violation of principles of natural justice being per se illegal, arbitrary and contrary to A.P.Excise Act, 1968 and the rules made and the pronouncements thereunder referred supra and is thereby liable to be set aside by giving liberty to the respondents to issue show cause notice and from submission of explanation and on hearing by giving reasons pass final orders u/sec.31 of the Act and the Rules made thereunder.

13). Accordingly and in the result,

13-a). the W.P.No.1359 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-b). the W.P.No.1377 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-c). the W.P.No.1405 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-d). the W.P.No.1427 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-e). the W.P.No.1456 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-f). the W.P.No.1708 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-g). the W.P.No.1740 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-h). the W.P.No.1745 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-i). the W.P.No.1783 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of any explanation to said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-j). the W.P.No.1901 of 2018 is allowed by setting aside the impugned proceedings of suspension by giving liberty to the respondents to issue show cause notice and from submission of explanation if any and on hearing by giving reasons pass final orders u/sec.31 of the Act and the Rules made thereunder.

13-k). the W.P.No.1953 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-l). the W.P.No.1985 of 2018 is allowed by setting aside the impugned proceedings of suspension by giving liberty to the respondents to issue show cause notice and from submission of explanation if any and on hearing by giving reasons pass final orders u/sec.31 of the Act and the Rules made thereunder.

13-m). the W.P.No.2152 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-n). the W.P.No.2797 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice issued and from submission of any explanation and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-o). the W.P.No.2835 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-p). the W.P.No.2995 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-q). the W.P.No.3055 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder.

13-r). the W.P.No.3491 of 2018 is disposed of by confining the impugned proceedings of suspension for a period of six(6) weeks from the date of receipt of the impugned proceedings so that either meantime or later to it as the case may be, the respondents shall pass final orders pursuant to the show cause notice to be issued if not issued and from submission of any explanation within the time stipulated in said show cause notice for final orders and on hearing by giving reasons to the final orders u/sec.31 of the Act and the Rules made thereunder &

13-S). the W.P.No.3595 of 2018 is allowed by setting aside the impugned proceedings of suspension by giving liberty to the respondents to issue show cause notice and from submission of explanation if any and on hearing by giving reasons pass final orders u/sec.31 of the Act and the Rules made thereunder.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:08.02.2018
Note: L.R.Copy to be prepared.
Issue copy forthwith.
b/o. vvr/ska