

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.20620 of 2018

ORDER:

Heard learned Counsel for the petitioner and the learned Government Pleader for Prohibition and Excise for the respondents.

The Prohibition and Excise Superintendent, Kadapa/R.4 issued a show-cause notice bearing Rc.No.A4/304/2017, dated 04.06.2018, asking the petitioner herein to show-cause as to why A.4 license of the petitioner should not be suspended under Section 31(1)(b) of the A.P.Excise Act, 1968 while asking the petitioner herein to offer explanation. In response to the said show-cause notice, on 07.06.2018, the petitioner herein submitted explanation wherein the petitioner requested for compounding of the offence. The Prohibition and Excise Superintendent vide proceedings Rc.No.A4/304/2017, dated 13.06.2018, suspended the A.4 license of the petitioner herein in exercise of the powers conferred under Section 31 (1)(b) of the A.P.Excise Act, 1968.

It is contended by the learned Counsel for the petitioner that the very action of the Prohibition and Excise Superintended in keeping the license of the petitioner herein under suspension in view of the request of the petitioner herein to compound the offence is highly unsustainable and untenable and contrary to the law laid down by this Court in the case reported in N.MALLA

REDDY v. STATE OF A.P.¹, as such the offence is compoundable.

On the other hand, on instructions, it is submitted by the learned Government Pleader that the Office of the Deputy Commissioner of Prohibition and Excise, Kadapa, sent the proposals for compounding on 03.07.2018 to the Office of the Commissioner and the same is pending consideration before the Office of the Commissioner and necessary orders will be passed within a period of one week. The said statement of the learned Government Pleader is placed on record.

In view of the same, the writ petition is disposed of, directing the Commissioner/Respondent No.2 herein to take appropriate action on the proposal sent by the Deputy Commissioner of Prohibition and Excise/R.3 herein, dated 03.07.2018, with regard to the compounding of the offence pertaining to M/s.Sujana Wines, bearing D.No.2/89-B, Sidhout village and Mandal, YSR Kadapa District, within a period of one week from the date of receipt of a copy of this Order. It is also made clear that in the event of failure to pass any orders within the time stipulated above, the petitioner herein shall be permitted to carry on the business. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

A.V.Sesha Sai, J

Date: 10.07.2018
smr

¹ 2013 (5) ALT 713