

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.24080 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition & Excise appearing for the respondents, apart from perusing the material on record.

The action of the respondents, in not renewing 2B licence of the petitioner herein for the year, 2018-19, i.e. from 01.07.2018 to 30.06.2019, despite payment of the entire licence fee of Rs.19,80,000/- and registration fee of Rs.2,20,000/- for the excise year 2018-2019, is under challenge in the present Writ Petition.

On instructions, it is submitted by the learned Government Pleader for Excise that, for recovery of the arrears towards differential licence fee, earlier, the Prohibition & Excise Superintendent, Rajamahendravaram-fourth respondent herein issued proceedings, dated 19.03.2018, asking the petitioner to pay the differential amount of licence fee basing on the audit objection. It is brought to the notice of this Court that, questioning the said proceedings, petitioner herein filed W.P.No.15941 of 2018 before this Court. In

I.A.No.01 of 2018, on 02.05.2018, this Court passed the following order:

“Learned Government Pleader for Excise takes notice for respondents.

Since the impugned notice has been issued without giving any prior show cause notice and considering petitioner’s explanation, there is a violation of principles of natural justice. Accordingly, there shall be interim direction as prayed for. However, this will not preclude the respondents from issuing a show cause notice to the petitioner to pay the additional licence fee and take action in accordance with law”.

It is further submitted by the learned Government Pleader that, on 07.06.2018, pursuant to the above said order, the Prohibition & Excise Superintendent, Rajamahendravaram-fourth respondent herein issued a notice, asking the petitioner herein to submit explanation, and the petitioner requested to cancel the notice issued and did not pay the amount pointed out by the A.G.Audit Party. Obviously, the same is the reason for not granting renewal in favour of the petitioner herein.

In the considered opinion of this Court, having received the entire licence fee and the registration fee for the year, 2018-2019, the respondent authorities are not justified in not renewing the licence in favour of the

petitioner herein on the ground that the issue, pertaining to the payment of differential amount, is pending.

For the aforesaid reasons, the Writ Petition is allowed, directing the respondents herein to renew the 2B licence of the petitioner herein for the year, 2018-2019, i.e. from 01.07.2018 to 30.06.2019, subject to compliance of the other objections, if any, without reference to the dispute with regard to the payment of the differential amount. However, it is made clear that, so far as the payment of differential amount is concerned, it is open for the respondents herein to pass appropriate orders in accordance with law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

A.V. SETHA SAI, J

24th July, 2018.

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