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

WRIT PETITION No.37015 of 2018

ORDER:

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

2. An Order of confiscation, passed by the Deputy Commissioner of Prohibition and Excise, Khammam/R.3 herein vide C.R.No.203/2017/P&Ex/A2, dated 26.07.2017, as confirmed in the appeal by the appellate authority-the Commissioner/R.2 herein vide proceedings CR.No.3026/2017/CPE/TS/D1, dated 04.12.2017, as further confirmed by the State Government-Revisional Authority vide Memo No.27095/Ex.II(2)/2017-2, dated 15.09.2018, is under challenge in the present Writ Petition.

3. By way of an Order, dated 26.07.2017, the 3rd respondent herein confiscated the vehicle and the commodity under Section 13(2) of the A.P.Prohibition Act, 1995 read with Section 46 of the A.P.Excise Act, 1968. Aggrieved by the said Order of confiscation, the petitioner herein preferred a statutory appeal before the 2nd respondent herein and the 2nd respondent herein by virtue of an Order vide C.R.No.3026/2017/CPE/TS/D1, dated 04.12.2017, confirmed the Order passed by the primary authority by dismissing the said appeal. As against the said Orders passed by the primary and appellate authorities, the petitioner herein filed a statutory revision before the State Government on 14.12.2017. By way of Memo No.27095/Ex.II(2)/2017-2, dated 15.09.2018, the State Government rejected the revision petition filed by the petitioner

and thereby upheld the Orders passed by the primary and appellate authorities.

4. According to the learned Counsel for the petitioner, the impugned Orders are highly illegal, arbitrary and violative of Article 14 of the Constitution of India, besides being opposed to the very spirit and object of the provisions of the Telangana State Excise Act, 1966 and the Rules framed there under.

5. On the other hand, it is submitted by the learned Government Pleader that there is no illegality nor there exists any infirmity in the impugned orders and in the absence of the same, no interference of this Court under Article 226 of the Constitution of India is warranted.

6. A perusal of the Orders of the State Government vide Memo No.27095/Ex.II(2)/2017-2, dated 15.09.2018, discloses, in clear and vivid terms, that though the petitioner herein raised a number of grounds in the Memorandum of Revision, except showing the revision petition filed by the petitioner as one of the references, the 1st respondent did not undertake any exercise to consider the contents of the revision application filed by the petitioner herein. It is a settled and well established principle of law that the Orders of the quasi judicial authorities are required to be supported by valid reasons and in the instant case, without assigning any reasons for discarding the grounds of revision, the 1st respondent-State Government rejected the revision filed by the petitioner herein. The said action, on the part of 1st respondent, is opposed to the provisions of the Telangana State Excise Act, 1966.

7. For the aforesaid reasons, the Writ Petition is allowed in part, setting aside the impugned Memo No.27095/Ex.II(2)/2017-2, dated 15.09.2018, and the revision filed by the petitioner herein stands restored to file for fresh consideration of the same by the 1st respondent, strictly in accordance with law, considering the grounds of revision, filed by the petitioner herein and by assigning the reasons after giving opportunity of hearing to the petitioner herein. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this Order.

Miscellaneous petitions pending, if any, shall stand closed. There shall be no Order as to costs.

A.V.Sesha Sai, J

11th October, 2018
smr