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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1402/2018 & CM Nos.5816-17/2018

MS. RANJANA SHARMA

..... Petitioner

Through : Mr. Kirti Uppal, Sr. Adv. with Mr.
Paranjay Chopra and Mr. Kunal
Sharma, Advs.

versus

GOVT. OF NCT OF DELHI & ANR. Respondents

Through : Mr. Satyakam, ASC, GNCTD with
Mr. Sanjiv Sharma, AC, Excise.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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13.02.2018

CM No.5817/2018

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 1402/2018 & CM No.5816/2018

3. Issue notice.
4. Mr. Satyakam, Additional Standing Counsel for GNCTD accepts notice on behalf of the respondents and says that he has a preliminary objection to the very maintainability of the writ petition and therefore does not wish to file reply at this juncture. It is submitted by the learned counsel that against the impugned order passed by the Deputy Commissioner of Excise, GNCTD dated 18.1.2018, an appeal has been preferred by the petitioner before the Commissioner of Excise, GNCTD.

5. Mr. Kirti Uppal, learned Senior Counsel appearing for the petitioner, on instructions, affirms this position. It is the submission of learned Senior Counsel that the impugned order was passed without hearing the petitioner.
6. Even otherwise, it is the case of the petitioner that she has been granted a licence in accordance with the provisions of the statute and the Rules framed thereunder, therefore, she has a right to carry on her business at the subject place.
7. Having regard to the aforesaid facts and circumstances, Mr. Satyakam says that no coercive measures will be taken till the appeal is disposed of.
8. I am informed that the appeal preferred by the petitioner with the Commissioner of Excise, GNCTD is slated for hearing on 16.2.2018.
9. Accordingly, this writ petition is disposed of with a direction that the appeal will be heard on the date given above and if for some reason, the appeal cannot be heard on that date, then, a fresh date will be given *qua* which the petitioner will be duly notified. 9.1 The petitioner will be given a personal hearing by the Commissioner of Excise, GNCTD.
- 9.2 It is also made clear that in case the petitioner is aggrieved by the final determination made in her appeal, she will have liberty to take recourse to an appropriate remedy, albeit, in accordance with law.
- 9.3 The statement made by Mr. Satyakam will continue to operate for a period of 10 days after a decision is taken in the petitioner's appeal.
10. Consequently, pending applications are closed.
11. *Dasti.*

RAJIV SHAKDHER, J

FEBRUARY 13, 2018

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