$~19

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

\+ **W.P.(C) 9452/2016**

% **Date of decision : 15th January, 2018**

MAHENDRA NATHANI ..... Petitioner

Through : Mr. Shailen Bhatia, Mr. Amit Jain and Ms. Priyanka Anand, Advs.

versus

NATIONAL CAPITAL TERRITORY OF DELHI AND ORS ..... Respondents

Through : Mr. Sanjoy Ghose, ASC with Mr. Rhishabh Jetley, Adv. for GNCTD.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition complains of the discrepancy in the issuance of Excise Policy issued by the Government of NCT of Delhi under Rule 21 of the Delhi Excise Rules, 2010 on annual basis.

2. The petitioner has stated that post the year 2000, the Excise Policy duly notified as late as in July, August and September of the concerned financial year is to the prejudice of the persons affected thereby.

3. Pursuant to the directions made by us calling upon the

respondents to disclose on tabulation the dates on which the Excise Policy was notified in the last five years, a status report dated 10th January, 2018 has been filed which makes the following disclosure:

"Sr. No.	*Excise year*	*Date of implementation*
1.	*2012-13*	*01.05.2012*
2.	*2013-14*	*01.06.2013*
3.	*2014-15*	*01.07.2014*
4.	*2015-16*	*01.08.2015*
5.	*2016-17*	*16.10.2016"*

There is therefore, substance in the submissions made by Mr. Shailen Bhatia, ld. counsel for the petitioner regarding delay in the issuance of the policy.

4. For expediency, we may usefully extract Rule 21 of the Delhi Excise Rules, 2010:-

> *"**21. Period for which licence may be granted. –***
>
> *Unless the Government otherwise directs, licence shall ordinarily be granted for a period of one year.*
>
> *Temporary licence may be given to provide for the sale of liquor on special occasions in such cases and on such occasions, as the Deputy Commissioner may determine.*
>
> *All licences other than temporary licences shall, unless otherwise provided, determine on 31st March, next following the grant or renewal."*

5. It is evident from the bare reading of Rule 21 that it envisages a policy/licence for a duration of one year. Even the fee so announced thereunder is on the yearly basis.

6. Though the legislature has empowered the respondents to extend the duration of the licence which expires on 31st March, against receipt of payment, however this extension cannot be made as routine procedure and has to be treated as an emergency provision.

7. It would therefore, appear that the respondents are bound to abide by the discipline recognized by the Rules.

8. In view of the above, it is directed that the respondents would take steps so as to ensure that the Excise Police is notified expeditiously before the 31st March of each calendar year.

9. Efforts shall be made to ensure that this discipline is followed and the extension, if at all is warranted, shall only be in exceptional circumstances and not ordinarily or as a routine.

10. This writ petition is disposed of in the above terms

Dasti to parties.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 15, 2018
mk