

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10945-2019

Date of Decision: 29.4.2019

M/s N.V. Distilleries Ltd., Badholi, Ambala

...Petitioner

Versus

The State of Haryana and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

PRESENT: Mr. Sandeep Goyal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ of mandamus directing the respondents to refund the amount of bottling fee on export of liquor outside the country.

2. The petitioner is a distillery having its manufacturing facilities at Badholi, Tehsil Naraingarh, District Ambala. The petitioner was granted permission to export its goods, i.e., liquor to UAE vide letters dated 24.8.2018, 10.12.2018 and 17.1.2019 (Annexures P-1 to P-3, respectively). The said letters were issued forcing the petitioner to pay the bottling fee being charged under the provisions of Haryana Liquor Licence Rules, 1970 (Annexure P-4). The petitioner made the payment online which included the payment of bottling fee as is clear from the screenshot (Annexure P-6).

As per challans (Annexure P-7 Colly), the petitioner had paid the bottling

1.3.2019 (Annexures P-8 to P-10, respectively), requested respondent No.2 for refund of bottling fee on Indian Made Foreign Liquor, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the letters dated 15.1.2019, 21.2.2019 and 1.3.2019 (Annexures P-8 to P-10, respectively), to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the letters 15.1.2019, 21.2.2019 and 1.3.2019 (Annexures P-8 to P-10, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of the certified copy of the order. It is further directed that in case, the petitioner is found entitled to the amount of refund, the same be released to it within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

April 29, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No