

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-13801-2019

Date of Decision: 22.5.2019

M/s Nain & Company

...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. Vivek Singla, 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 certiorari for quashing the notice (Annexure P-2) issued by respondent No.4 for recovery of ₹ 29,31,648/- on account of short quota penalty and interest thereon.

2. The petitioner was a successful bidder for five groups, i.e. Group Nos. 10, 11, 12, 14 and 15 for the financial year 2016-17 in Jind District for a sum of ₹ 13,17,33,233/- as is clear from the licenses (Annexure P-1). The petitioner has been paying its license fee and has been depositing the installments as per the policy and nothing was due towards the installments for the year 2016-17. The quota is first to be applied online and thereafter, a permit was issued and was being presented to the L-1/L-13 wholesaler for purchase of liquor. Unless the said online permit was issued on application, the licensee cannot lift the quota from L-1/L-13 license

installments for the months of December, 2016 and March, 2017. The permit could not be issued to the petitioner due to wrong calculation by the respondents and, therefore, the petitioner could not lift the quota from L-1 licensee. Respondent No.4 vide notice (Annexure P-2) sought recovery of ₹ 29,31,648/- on account of short quota with penalty and interest. Accordingly, the petitioner served a legal notice dated 13.11.2018 (Annexure P-3) upon respondents No.3 and 4 for dropping the notice, Annexure P-2, 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 a legal notice dated 13.11.2018 (Annexure P-3) to respondents No.3 and 4, 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.3 to take a decision on the legal notice dated 13.11.2018 (Annexure P-3), 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.

(AJAY KUMAR MITTAL)
JUDGE

May 22, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No