IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No. 22153 of 2019
Date of decision: 4.10.2019

M/S Mittal Wines

Petitioner

vs.

State of Haryana and others

Respondent

CORAM Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Lalit Batra

Present: Mr. Vikram Jain, Advocate for petitioner.
Ms. Mamta Singla Talwar, DAG, Haryana for respondents 1 to 4-State.
Mr. Amit Kohar and Mr. Saksham Mahajan, Advocates for respondent No.5
Ms. Amrita Nagpal, Advocate for respondent No.6

Jaswant Singh, J (Oral)

The petitioner is L-14 liquor licencee (retailer licencee for sale of country liquor) in District Ambala as per the Excise Policy for the year 2019-20. The primary grievance of the petitioner is that the wholesaler licencees – respondent Nos. 5 and 6 holding L-13 licences are charging extra amount of money for supply of country liquor in terms of the licence and in violation of the rates to be charged as per the Excise Policy.

Upon notice, private respondent Nos. 5 and 6, through their counsel submit that it is the distilleries, which are in turn charging more than the prescribed rates for supply of the country liquor under 40% mandatory quota. Hence, the burden has been passed on to the retailers.

Learned State counsel submits that the Excise Department has looked into the grievance and found that there are certain set of distilleries, which are not adhering to the prescribed rates for supply of the country liquor, as per the Excise Policy, resulting in such a situation. She further submits that notices u/s 36 (c) of the Punjab Excise Act, 1941 have since been issued to 17 of such distilleries. She has placed on record order dated 30.9.2019 passed by the Excise and Taxation Commissioner, Haryana, whereby it has been held that the distilleries are contravening the provisions of the Excise Policy and, therefore, they are directed to refund the excess amounts charged to the wholesaler.

Although the petitioner is a retailer and has no privity of contract with the distilleries and in all probability has also passed on the burden of the excess amounts charged, is satisfied with the action taken by the Excise Department.

In view of the above, no further adjudication is required.

Disposed of.

(JASWANT SINGH)
JUDGE

(LALIT BATRA)
JUDGE

October 4, 2019
TSM

Whether speaking/ reasoned Yes/ No

Whether Reportable Yes/ No