

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.:114

CWP No.14429 of 2020
Date of Decision: September 15, 2020

Rishi Pal Krishan & Co.

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE JASWANT SINGH**
 HON'BLE MR. JUSTICE SANT PARKASH

. . .

PRESENT: - Mr. Surinder Singh Duhan, Advocate
 for the petitioner.

 Mr. Ankur Mittal, Addl. A.G., Haryana.

. . .

Sant Parkash, J

The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.

Present writ petition under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of Certiorari for quashing Clause 2.14.6 of the Haryana Excise Policy for the year 2019-20 (Annexure P-1) issued by respondent No.2, whereby, it has been provided that no rebate/reduction/refund of the licence fee shall be allowed on account of closure of liquor outlet in any area for any reason whatsoever as the same is against public policy, arbitrary and violative of Article 14 of the

Constitution of India and also against the provisions of Punjab Excise Act, 1914.

The petitioner received show cause notice for deposit of pending license fee and interest for the financial year 2019-20, vide memo No.3549/Ex dated 26.08.2020 (Annexure P-8) and another show cause notice regarding deposit of Short Quota Penalty for the financial year 2019-20, vide memo No.3556/Ex dated 26.08.2020 (Annexure P-9). As per the said notice, an amount of ₹1,90,82,623/- on account of License fee with interest and an amount of ₹72,32,545/- on account of Short Quota Penalty for the year 2019-20 was required to be deposited within 14 days, failing which recovery proceedings under the Land Revenue Act shall be initiated. The licensees of the wholesale and retail of CL & IMFL for the year 2019-20 in the State of Haryana have filed **CWP No.12582 of 2020** before this Court for the same relief as raised in the present petition and the said writ petition was disposed of with the following directions:-

“2. As far as the SCNs are concerned, it is obvious the Petitioners would have to reply to those SCNs after which the appropriate authority will pass orders on such SCNs. It is therefore premature for the Petitioners at this stage to seek any relief in relation thereto. The only direction that can be issued is that the Petitioners should reply to those SCNs, if not already done, not later than 31st August, 2020 and if the replies are so filed, the concerned authorities will pass reasoned orders on the SCNs not later than 20th September, 2020. If those orders are adverse to the Petitioners, they can obviously seek remedies that are available to them in accordance with law.

3. As far as the other relief concerning refund of license fee for the lockdown period, a direction is issued to the Respondents to dispose of the representations on this aspect by a reasoned order, not later than 15th September, 2020, which order would be communicated to the Petitioners not later than 18th September, 2020. If aggrieved by such orders, it will be open to the Petitioners to seek appropriate remedies in accordance with law.”

Learned counsel for the petitioner submits that appropriate directions be issued to the respondents to decide the representations dated 09.09.2020 of the petitioner, filed in response to the show cause notices within a stipulated period, to which the learned State counsel has no objection as the same had been done in **CWP No.12582 of 2020**, vide judgment dated 24.08.2020 (Annexure P-10).

Heard.

Keeping in view the totality of facts and circumstances of the case, the competent authority of the respondents is directed to pass a reasoned, speaking order to the replies/representations dated 09.09.2020 (Annexures P-11 and P-12) as also regarding the refund of license fee for the lockdown period, on or before 10.10.2020.

Disposed of accordingly.

(Jaswant Singh)
Judge

(Sant Parkash)
Judge

September 15, 2020

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Whether Speaking/ Reasoned:

Whether Reportable:

Yes/ No

Yes/ No