

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 16514 of 2015

***Shantilata Das through Lrs.
Kalyani Das & Others***

....

Petitioners

Mr. Dipankar Varadwaj, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

12.09.2022

Order No.

31. 1. This matter is taken up by virtual/physical mode.
2. Aggrieved by the decision of Government of Odisha in Excise Department vide letter No.654-IEEx-1/2015/Ex., dated 11th February, 2015 addressed to the Excise Commissioner, Odisha, Cuttack, the Petitioner has laid challenge by way of writ petition invoking provisions of Article 226/227 of the Constitution of India.
3. Declining to accede to the suggestions of the Excise Commissioner, the Government has taken a decision to abolish *inter alia* CDA IMFL “OFF” Shop relevant to the year 2015-16 and consequently the Government in Excise Department instructed the Excise Commissioner to delete the same from the list of the shops submitted by him for approval. It is contended by the Petitioners-legal representatives of late Smt Shantilata Das wife of Sri Ramesh Chandra Das through Mr. Dipankara Varadwaj, Advocate submitted that the complaint being raised by the general public by way of Public Interest Litigation before this Court, order dated 18th March 2009 has come to be passed directing shifting of the shop

“CDA IMFL OFF Shop” of late Sri Ramesh Chandra Das, Excise Privilege Holder. The said matter was carried to Hon’ble Supreme Court in SLP(C) No. 5998 of 2011. The writ petition reveals that in view of disposal of said SLP by the Hon’ble Supreme Court, the Petitioners were required to shift their shop to new site at Sector 7 (C.D.A). It is contended that since Government has taken a decision to abolish C.D.A IMFL “OFF” Shop, it caused prejudice to the Petitioners.

4. Mr. L. Samantaray, Additional Government Advocate pointed out that this matter has been rendered infructuous in-as-much as IMFL “OFF” Shop is not functioning since 27th January, 2014 and no renewal of license has been accorded after 2014. He also submitted that since 1st April, 2021, the system of grant of license has been changed by way of introduction of new Excise Policy. As of now, the erstwhile system of renewal of license has been discontinued and in its place settlement of excise license is being done through e-lottery System.

5. In view of aforesaid submission, nothing survives for adjudication in this writ petition and accordingly, the same is dismissed as infructuous.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge