

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No. 1498 of 2015

Ramakanta Pradhan

....

Petitioner

Mr. Umesh Chandra Pattanaik, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
19.04.2022

Order No.

- 06.** 1. This matter is taken up by virtual/physical mode.
2. The Petitioner assailed the demand notice dated 5th November, 2014 issued by the Sub-Inspector of Excise, Bhubaneswar Charge-I, Bhubaneswar (Opposite Party No.6) vide Annexure-6, whereby the Petitioner was directed to deposit an amount of Rs.14,64,528 in respect of short lifting of MGQ(Country Spirit) for the months April, 2014 to October, 2014, on the ground that the Odisha State Beverages Corporation Limited Depot at Khordha (Opposite Party No.4) failed to supply country spirit to lift the MGQ fixed for the Petitioners CS shop at Banamalipur, Baunsagali, Lingipur and Rasulgarh in the district of Khordha. It is alleged that though the Petitioner approached the Opposite Party No.4 with requisite amount in shape of demand draft and ready with vehicle to lift the required quantity of C.S at relevant point of time i.e., April, May, June and July 2014, due to shortage in supply, the OSBC could not supply.

3. This Court vide order dated 6th February, 2015, while issuing notice to the Opposite Parties, as an interim measure, stayed the recovery of impugned demand.

4. Against refusal to renew the license for year 2015-16, Misc. case No. 7290 of 2015 being moved, this Court vide order dated 10th April, 2015 passed the following order:

“This application is filed today in Court. The same be registered. Copy of this application is served on the learned State counsel.

In this application a prayer has been made seeking a direction to the Opposite Parties to remove the closure seal, allow the Petitioner to operate his C.S. shop and renewal of his license for the year 2015-16.

The present writ application has been filed by the Petitioner challenging the alleged short lifting of MGQ on the ground that the State Beverage Corporation was not in a position to effect supply at the relevant time. By the interim order dated 6.2.2015 passed in Misc. Case No. 1622 of 2015, this Court directed stay of the demand raised. In spite of the said direction, it appears that for the self-same reason of not lifting the MGQ, the license of the Petitioner has not been renewed and the application for removal of closure of the shop has been rejected.

In view of the fact that our earlier interim order is still in force and no application for vacating the said stay order is filed, we direct that the licence of the Petitioner be renewed, closure seal of the shop be removed and the Petitioner be permitted to operate his shop forthwith.

The Misc. case is disposed of.

Counter to the writ application be filed within two weeks and the writ application be listed two weeks after.”

5. When the matter is taken up today, the counsel for the Petitioner submitted that he has no instruction in spite of making effort to contact his client and accordingly sought permission to withdraw the writ petition.

6. Accordingly, the writ petition stands dismissed as withdrawn. Consequently, the interim orders stand vacated.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

April 19, 2022 Cuttack

