

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6129 of 2022

Monoranjan Pradhan* *Petitioner

Mr. Biraja Prasanna Das, Advocate

-versus-

State of Odisha & Others* *Opp. Parties

Mr. L. Samantaray, AGA

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

06.04.2022

Order No.

- 02.** 1. This matter is taken up through virtual/physical mode.
2. Petitioner-Monoranjan Pradhan is a transferee licensee from the original licensee-Jitendra Kumar Pradhan for the retail sale of potable Beer for the Excise Year 01.04.2019 to 31.03.2020 vide order dated 17.02.2020. The petitioner had obtained the licence from the original owner vide its order with effect from 17.02.2020 for the remaining period of Excise Year 2019-2020, thereafter had also granted the benefit of renewal of the said licence for the Excise Year 2020-2021. The petitioner claims to have made an application on 10.12.2021 seeking conversion of the Beer Parlour 'ON' Shop to 'IMFL' Restaurant 'ON' Shop for the remaining period of Excise Year 2021-22 which has been refused on the ground that there are certain arrears dues of the

short drawn of MGQ on Beer relating to the petitioner of the Excise Year 2019-20 and 2020-21.

3. By filing the present writ petition, the petitioner has challenged the Memo dated 10.02.2022 issued by the District Excise Officer, Berhampur declining the request for conversion on the ground of arrears due for the previous years. It is claimed that no show cause notice has been issued before raising demand for such arrears.

4. At the time of hearing today, Mr. L. Samantaray states that in spite of the non-clearance of the arrears, the petitioner has been granted the benefit of renewal of the licence for potable Beer for the Excise Year 2022-23. In respect of the conversion, he states that firstly a show cause notice by the competent authority shall be issued granting an opportunity to the petitioner to rebut the demand and thereafter upon decision of the same, the case of conversion shall be taken up once again. He further states that for the present the writ petition can be disposed of in the light of the aforesaid stand.

5. In response, learned counsel for the petitioner states that he is satisfied if the present writ petition is disposed of at this stage in view of the aforesaid stand of the opposite parties provided the entire exercise is completed within a time frame.

6. In view of the aforesaid agreed stand, the present writ petition is allowed and Memo dated 10.02.2022 is set aside, with the direction to the District Excise Officer, Berhampur to first issue a notice for arrears of shortfall of MGQ for the relevant Excise years, and thereafter complete the exercise within one month of filing of the reply, if any, by the petitioner. It is further directed that based on such an order, the competent authority shall thereafter decide the case of conversion of Beer 'ON' Shop to IMFL 'ON' Shop within next one month in accordance with law.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

AKK

April 6th, 2022
Cuttack

