

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.9303 of 2022

Pabitra Narayan Mohanty

....

Petitioner

Mr. P.K. Rath, Advocate
On behalf of Mr. A.K. Patra, Advocate

-versus-

State of Orissa and others

.... ***Opposite Parties***

Mr. Debakanta Mohanty, AGA for State
Mr. Biraja Prasanna Das, Advocate for OP No.5

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
24.11.2022**

Order No.

- 04.
1. The challenge in the present petition is to an order dated 31st March, 2022 whereby, the Government has rejected the proposal of the Petitioner for grant of a new IMFL Restaurant ON shop license in the name and style of "Hotel Mehphil" in Mouza- Chandipur, Gram Panchayat-Rasulpur, PS- Kuakhia in the district of Jajpur for the remaining period of the year 2021-22.
 2. It is seen from the impugned order that absolutely no reasons have been indicated why the application of the Petitioner is being rejected.
 3. Although reasons were furnished in the counter affidavit filed in the present petition as can be seen from the order passed by this

Court on 14th October 2022, more questions were raised as a result of those reasons. It appears to the Court that there were many factors that had to be considered by the Department which were not considered by it and the order should itself spell out the reasons for rejection. Those reasons cannot be supplied by way of counter affidavits filed in response to the challenge to the rejection.

4. On the short ground that the impugned order was a non-reasoned one, it is hereby set aside. The matter is now remanded to the Secretary, Excise Department, Government of Odisha to once again examine the Petitioner's application and after giving the Petitioner a hearing, to pass a reasoned order thereon not later than 2nd January, 2023. A copy of the decision shall be made available to the Petitioner within a week thereafter.

5. If aggrieved by such order, it will be open to the Petitioner to seek appropriate remedies in accordance with law. The Court clarifies that it has not expressed any view on merits.

6. The writ petition is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S. Behera