

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.14717 of 2022

Soumyajit Champati

....

Petitioner

Mr. Biswajit Nayak, Advocate
with Ms. Satabdi Samal, Advocate &
Mr. A.K. Patra, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, AGA
Mr. P.K. Rath, Advocate for Applicant/Intervenor
in I.A. No. 10410 of 2022

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

04.08.2022

Order No.

- 02.**
1. This matter is taken up by virtual/physical mode.
 2. The Petitioner is an aspirant for grant of a new IMFL “ON” shop license for operating at the site at Plot Nos.254/1214, 264/1119/1764 and 255 under Khata No.474 of 2337 of Mouza Bomikhal in Ward No. 10, Bhubaneswar Municipal Corporation in the name and style “Single Shot Restaurant” for the remaining period of excise year 2022-23. The present petition has been filed challenging the memo dated 11th May, 2022 at Annexure-6 issued by the District Excise Office, Bhubaneswar to the Excise Commissioner, Odisha, Cuttack, whereby he was not inclined to recommend the proposal.

The aforesaid recommendations at Annexure-6, sought to be challenged based on the enquiry report dated 1st October, 2021 at Annexure-2 and the report dated 9th December, 2021 at Annexure-3, submitted by the Inspector of Excise concerned.

4. At the time of hearing, Mr. L. Samantaray, Additional Government Advocate states that the proceedings are still at the stage of final consideration of the proposal by the competent authority i.e., the Excise Commissioner and at this stage, the present writ petition is premature. He further submits that mere recommendations do not constitute a basis for maintaining the present writ petition. He, however, concedes that the appropriate decision would be taken after considering all the relevant facts, the provisions of the Excise Act read with the Rule as also the aforesaid reports.

5. In view of the aforesaid stand, counsel for the Petitioner concedes that nothing more survives for adjudication in the present writ petition. However, he has prayed for a direction to the competent authority to take a decision at the earliest.

6. In view of the aforesaid developments, the present writ petition is disposed of as premature. The Excise Commissioner, Odisha, Cuttack is requested to take a decision in accordance with law at the earliest but not later than 30th September, 2022.

I.A No. 10410 of 2022

7. No order is required in I.A. No. 10410 of 2022.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge