

CWP-18546-2022(O&M)

Date of Decision:23.08.2022

**Pernod Ricard India Pvt. Ltd. through its
Authorised Signatory Sudhir Kamboj****..... Petitioner****versus****State of Punjab and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE DEEPAK MANCHANDA*********

Present: Mr. Gaurav Chopra, Senior Advocate with
Mr. Rohit Sud and Mr. Ankit Virmani, Advocates
for the petitioner.

Mr. Gurpreet Singh, Addl. AG, Punjab.

*********TEJINDER SINGH DHINDSA, J. (ORAL)**

Challenge in the instant petition is to the order dated 12.04.2022 (Annexure P-2) passed by the 2nd respondent i.e. Excise Commissioner, Department of Excise and Taxation, Punjab whereby the BWH-2 licence of the petitioner in respect of its unit located at GholuMajra, Punjab stands suspended. Further challenge is to the order dated 22.04.2022 (Annexure P-1) also passed by the 2nd respondent imposing penalty of Rs. 80 lakhs on the petitioner as a condition for revocation of suspension of the licence.

Even though it is the contention made by learned Senior counsel that there is no statutory remedy of appeal available, yet it is conceded that against an order passed by the Excise Commissioner, the petitioner can always approach the Principal Secretary of the Excise Department, Government of Punjab as regards the grievance/challenge raised in the instant petition to the impugned orders at Annexure P-1 and P-2.

Since an advance copy of the writ petition already stood served upon the respondents, Mr. Gurpreet Singh, learned Add.AG, Punjab has entered appearance.

Learned State counsel, upon instructions from Amardeep Singh, Excise Officer (Bottling Plant), Derabassi, makes a statement that the instant writ petition itself would be treated as a representation and would be placed before the 1st respondent i.e. Principal Secretary of Excise Department, State of Punjab and who would then take a view in the matter on merits. Further statement is made that a final decision in such regard would be taken within a period of six weeks from today in terms of passing a reasoned and speaking order.

Statement is accepted.

No further directions are required to be passed.

It would be appreciated if prior to the passing of an order at the hands of the 1st respondent, an opportunity of hearing is granted to the authorised representative of the petitioner-company.

Writ petition is disposed of.

It is clarified that this Court has not examined the issue on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

23.08.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No