

COC-1776-2022

Date of Decision :13.09.2022

Shiv Kumar

...Petitioner

versus

Amit Khangwal, Deputy Excise Taxation Commissioner

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Amit Gupta, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating proceedings against the respondent for intentional and willful defiance of order, Annexure P-1, dated 27.07.2022, in CWP-16158-2022.

2. A perusal of order Annexure P/1 dated 27.07.2022, reveals that CWP-16158-2022, was disposed of by directing the respondent herein to take a decision on the representation, which had been fixed for hearing before him on 28.07.2022, within two weeks.

3. Learned DAG, Haryana, has produced copy of communication dated 12.09.2022, from the respondent to the Advocate General, Haryana, mentioning therein that pursuant to order dated 08.08.2022, one of the licenses was directed to shift his vend and inform the office regarding maintenance of minimum of 2 km distance from the other main vend and that in response to the aforementioned orders, the license of Shehzadpur sub-vend shifted his wine shop and

intimated the office of the Deputy Excise and Taxation Commissioner, Jagadhari of needful having been done, whereafter, an inspection was conducted by the Excise Inspector, who verified that motorable distance from the main vend at Bhuria to the sub-vend in Shehzadpur was more than 2 kms, as per the requirement of the relevant clause of the Haryana Excise Policy, 2022-2023. Copy of the aforementioned communication along with Annexure-1 dated 08.08.2022 as well as Annexure-2 i.e. report of Shri Rakesh Kumar, Excise Inspector, with regard to distance between the two vends is taken on record. Copy thereof supplied to learned counsel for the petitioner, who on perusal thereof states that in the circumstances, the petitioner does not press the instant petition but prays for grant of liberty to the petitioner to challenge order dated 08.08.2022, by way of appropriate proceedings, in accordance with law.

4. In view of the position noted above, as well as statement of learned counsel for the petitioner, the instant petition is *disposed of* as not calling for any action against the respondent under the Contempt of Courts Act, 1971, while granting liberty to the petitioner, as prayed for.

(B.S. Walia)
Judge

13.09.2022

rajesh

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No