6th June,
2023
(AK)
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W.P.A 1144 of 2023

Sajal Mukherjee and another
Vs.
The State of West Bengal and others

Mr. Sandip Ghosh
Mr. Partha Sarkar
Ms. Mousumi Chatterjee
...for the petitioners.

Mr. Raja Saha
Mr. S.P. Lahiri
...for the State.

The present challenge has been preferred against an order dated November 21, 2022 passed by the Additional Chief Secretary, Finance Department, Government of West Bengal in an appeal filed against the order dated June 22, 2022 passed by the Excise Commissioner, West Bengal.

It is submitted by learned counsel for the petitioners that the petitioners' prayer for renewal of the temporary license to sell liquor was refused for no fault of the petitioners.

It is submitted that due to resistance of local people, the petitioners could not operate the shop during the tenure of the temporary license initially granted to the petitioners.

It is further submitted that due complaint was also made before the law enforcement authorities in that regard.

Such contentions are refuted on behalf of the respondent authorities.

Learned counsel for the respondents submits that a purported complaint was lodged only three days prior to the expiry of the temporary license of the petitioners.

A perusal of the order dated June 22, 2022 passed by the Excise commissioner, West Bengal reveals that the same is elaborately reasoned.

The reasoning given by the Excise Commissioner for refusing the petitioners' prayer for extension/renewal of the temporary license was the contravention of the provisions of Rule 9(1)(F) and (G) of a particular notification, being Notification No.800 Ex dated July 29, 2003, as amended.

It was clearly recorded by the Excise Commissioner that the recommendation could not be made on account of lack of assessment of "revealed demand" in terms of Rule 9(1)(F) of the notification at that time.

Moreover, while deciding the appeal of the petitioners, the Additional Chief Secretary also took into consideration the fact that the alleged local disturbances to the running of the shop by the petitioners were brought to the notice of the Excise authorities only a few days prior to the expiry of the temporary license.

The authorities also considered the fact that the liquor shop was not run even for a single day by the petitioner, pursuant to the temporary license.

The possibility of the said complaint, lodged only a few days before the expiry of the temporary license of the petitioners, being an eye-wash cannot be ruled out altogether.

If the petitioners had any difficulty in running the shop for some other reason beyond the control of the petitioners, it could very well have been brought to the notice of the authorities by the petitioners during the entire tenure of the temporary license.

However, having not done so, the petitioners are not automatically entitled to an extension of the temporary license.

Hence, I do not find any irregularity or contravention of law in the decision-making process, either of the appellate authority or the first forum, in refusing the petitioners' prayer for extension/renewal of temporary excise license.

In such view of the matter, there is no scope of interference in the present writ petition.

Accordingly, WPA 1144 of 2023 is dismissed on contest without any order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)