

AD-08
Ct No.09
06.12.2023
TN

WPA No. 19491 of 2022

Raja Chatterjee
Vs.
The State of West Bengal and others

Mr. Bidyut Kr. Halder,
Mr. Indrail Halder,
Ms. Neha Singh

.... for the petitioner

Mr. A. Ray,
Mr. Tanoy Chakraborty

.... for the State

- 1.** The petitioner has applied for an excise licence to run an on shop selling foreign liquor.
- 2.** The first authority refused the same. An appeal was preferred. Subsequently the matter came up to this court and the petitioner paid costs of Rs. 10,000/- as per the direction of this court and the matter was taken up afresh by the appellate authority.
- 3.** By the impugned order dated August 25, 2021, the appellate authority has merely remanded the matter back to the first authority for consideration afresh on a fresh enquiry under the provision of Rule 8 of Notification No. 800-Ex dated July 29, 2003 as amended till December

10, 2014 which is the date of the impugned order.

4. I do not find any reason or necessity to interfere with such order. The appellate authority was perfectly justified in so remanding the matter upon holding a fresh enquiry, since a factual dispute arose with regard to the applicability of Rule 8 and a fresh enquiry in terms of the newly amended Rule 8 was directed.
5. Hence, WPA No. 19491 of 2022 is dismissed without any order as to costs.
6. The merits of the contentions of the parties have not been gone into.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)