

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

109

2023:PHHC:138544-DB

**CWP No. 23401 of 2023
Date of Decision: 30.10.2023**

Whiskin Spirits Pvt. Ltd.

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Amit Jhanji, Sr. Advocate,
with Mr. Shashank Shekhar Sharma, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondent-authorities to grant license to the petitioner for bonded warehouse and bottling plant at Derabassi, District Mohali, Punjab under Form BWH-2 of Punjab Excise Bonded Warehouse Rules, 1957 (in short “1957 Rules”).

2. The case of the petitioner is that a decision has to be taken on the application submitted on 14.02.2023 (Annexure P-25) under Form BWH-1 of the 1957 Rules for grant of license to run the same. It is his case that the inspection of the premises has already taken place by the inspection team on 23.03.2023 and everything was found to be satisfactory and ready for commissioning. As per the pleadings, the letter of intent was granted on 02.06.2016 (Annexure P-4) and time was given for erecting of building, installation of plant and equipment and repeated extensions were given during which land was purchased and the necessary exercise of change of

land use; sanction of the building plans was taken alongwith consent by

the Punjab Pollution Control Board. The license thereafter was granted under the Factories Act, 1948 and a permanent power connection was taken and No Objection Certificate from the District Health Officer and Food Safety Officer was taken on 14.10.2022 (Annexure P-21) whereas No Objection Certificate dated 23.12.2022 was taken from the local Panchayat.

3. It has been averred that the file is pending with the respondent No.3 since the last 7 months as per the averments made in Para No.16 of the writ petition. It has been further averred that the amount of investment is to the extent of Rs.15 crores for the construction of the plant and the reasons for the delay had taken place on various grounds which has been further mentioned in para No.17.

4. Mr. Saurabh Kapoor, Addl. A.G., Punjab, on account of having advance copies, has put in appearance on behalf of the State and submits that a necessary decision will be taken on the said issue by the competent authority within a period of 4 weeks from today.

5. Keeping in view the undertaking given, we dispose of the writ petition binding the State to the same.

(G.S. SANDHAWALIA)
JUDGE

30.10.2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No