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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26956 of 2023
Date of Decision: 01.12.2023

Darshan Singh Kler and others .....Petitioners

Vs

Union Territory, Chandigarh Administration, Chandigarh and others .....Respondents

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Gaurav Garg Dhuriwala, Advocate,
Mr. Sachit Jaiswal, Advocate
for the petitioners.

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G.S. SANDHAWALIA, J. (Oral)

[1]. Challenge is made in the present writ petition under Article 226 of the Constitution of India to the allocation of 100% basic quota of IMFL, IFL and Country liquor of 18 unallotted units to the petitioners, who have already been licensees since April 2023.

[2]. The case of the petitioners is that they are successful allottees under the Excise Policy for the year 2023-24 commencing from 01.04.2023 to 31.03.2024 and are running their liquor vends for the last seven months as per the terms and conditions of the licences (Annexue P-1 to P-5). Excise

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and Taxation Department had issued two notices dated 24.10.2023 and 28.10.2023 (Annexures P-7 and P-8), wherein they have proposed that reserve price for the remaining 18 licensing units across the entire city would be reduced and it would be halved for future rounds of auction. E-tenders were accordingly invited.

[3]. It is now the case of the petitioners that the department was not successful in auctioning the unallotted 18 licensing units. As per Clause 14 of the Excise Policy 2023-24, the same have been distributed amongst the petitioners and it is to the extent of 100% of basic quota. It is thus the case of the petitioners that they have already served legal notice dated 17.11.2023 (Annexure P-15) upon respondent No.2, wherein they have raised the issue that distribution of the unallotteed licensing units has been done to 100% quota of the licensing units by placing reliance upon public notice. It is also pointed out that after the advertisement, additional quota has been allotted to the extent of 100% (Annexures P10 to P14).

[4]. Mr. Anil Mehta, Senior Standing Counsel, Mr. Sanjiv Ghai, Advocate and Mr. Parminder S. Kaul, Advocate appear on behalf of the respondents on the basis of advance notice.

[5]. Keeping in view the fact that decision making is still to be done on the legal notice and issue as such is time bound since the license is till 31.03.2024 and the third quarter is till 31.12.2023, it is the considered opinion of this Court that a decision should be taken on the said legal notice, so much as the factual matrix and background would be clear before us also. Since the legal notice has just been served, therefore, appropriate time is required to be given to the Administration to take a call on the said

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issue.

[6]. Learned counsel for the respondents on instructions from Mr. Rupesh Kumar, IAS, Collector Excise, U.T., Chandigarh submits that needful would be done within 10 days from today,

[7]. Keeping in view the contentions, which have been raised and the financial implications, which would have to be fulfilled by the petitioners, we are of the considered opinion that the petitioners would be given hearing before the decision is taken.

[8]. Accordingly, in view of undertaking given by the learned counsel for the respondents, the present writ petition is disposed of, binding them to the same.

(G.S. SANDHAWALIA)
JUDGE

(LAPITA BANERJI)
JUDGE

01.12.2023
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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