

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

**CWP No.27230 of 2023
Date of Decision: 04.12.2023**

M/S UMIT SINGH BAGGA

.....Petitioner

Vs

**THE UNION TERRITORY OF CHANDIGARH AND
ANOTHER**

.....Respondents

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

Present: Mr. Shikhar Sarin, Advocate and
Ms. Shreya B. Sarin, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

[1]. Prayer in this writ petition is for issuance of a writ in the nature of certiorari for quashing the impugned suspension and sealing notice dated 15.11.2023 (Annexure P-4) issued by respondent No.2 being illegal and arbitrary. Further prayer is for issuance of a writ in the nature of mandamus for directing that the petitioner be adequately compensated for the period of illegal closure of its vend.

Prayer is also made for issuance of writ in the nature of certiorari for quashing Clause 37 of the Excise Policy and for stay on the operation of impugned order dated 15.11.2023.

[2]. It is the case of the petitioner that the petitioner was allotted liquor vend in Phase II, Industrial Area, with reserve price of Rs.2,80,14,362/- and that premises was handed over on 31.05.2023.

[3]. Learned counsel for the respondents however submits that it was on 25.05.2023, the allotment was made. He also pointed out from the representation dated 29.11.2023 (Annexure P-5) made by the petitioner that number of working days of May have been mentioned as '4'. It is the contention as such of the counsel for the petitioner that vide the impugned order dated 15.11.2023, the outstanding amount is Rs.28,01,436/- towards the due installment for the month of October, 2023. It is thus the case of counsel for the petitioner that full amount of installment for the month of May was taken, whereas working days are only four and therefore, it has been wrongly calculated that the arrears are due from October 2023 vide the impugned order, whereas it should have been from November 2023.

[4]. Notice of motion.

[5]. Mr. Sanjiv Ghai, Senior Standing Counsel and Mr. Parminder S. Kaul accept notice on behalf of the respondents and have handed over photocopy of the installment chart, which we have perused and *prima facie* argument seems to be correct as since for the month of

May also, the amount was calculated as Rs.28,01,436/-

[6]. It is thus apparent that the petitioner has been prejudiced on that account and arrears have been wrongly held out for the month of October by passing the impugned order dated 15.11.2023.

[7]. Mr. Sanjiv Ghai, Senior Standing Counsel on instructions from Vinay Pratap Singh, IAS, Excise and Taxation Commission, Chandigarh states that this fact was not agitated before the authority for all this long period. He undertakes that liquor vend will be unsealed forthwith. However, he points out that arrears are now due for the month of November 2023.

[8]. Keeping in view the fact that the petitioner has been prejudiced by passing the impugned order, we are of the considered opinion that he should be given adequate time to generate some funds since the liquor vend has remained closed from more than 15 days. Therefore, time is extended to pay the installment for the month of November by 20th December along with installment for the month of December plus interest. Resultantly, installment for the month of December also be pushed forward. The respondent shall also in the meantime take corrective steps to adjust the amount to be paid till the end of the financial year.

[9]. Keeping in view the undertaking given by the learned counsel for the respondents, we feel no further order is required to be passed. It is made clear that appropriate application can be filed by

either side, seeking clarification, if any, as reply has not been received from the respondents.

[10]. This writ petition is disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

(LAPITABANERJI)
JUDGE

04.12.2023
Prince
Whether speaking/reasoned
Whether reportable

Yes/No

Yes/No