

July 3, 2024
Sl. No.12
Court No.9
s.biswas

WPA 16329 of 2024

Ajjul Haque
vs.
The State of West Bengal and another

Mr. P. C. Das
Ms. Tithi Paul

... for the petitioner

Mr. Anirban Ray, Id. GP
Mr. Tanoy Chakraborty
Mr. Saptak Sanyal

... for the State

1. The petitioner alleges that the Superintendent of Excise, Nadia, by notice dated September 21, 2022 demanded an amount of Rs.20,11,400/- from the petitioner for renewal of his excise licence. The licence was in the name of Md. Azizul Haque and Smt. Tahamina Mondal. Smt. Tahamina Mondal expired. The heirs of Tahamina Mondal have given their 'no objection' to the prayer for renewal of licence in the name of the petitioner.
2. It is contended that the licence was for the purpose of running a restaurant-cum-bar in the name and style of 'Nadia Bar'. Initially, the business was being run alongside the national highway. For the purpose of extension of highway, the land on which the restaurant-cum-bar was being run was acquired and the restaurant was demolished.

3. In 2019, the petitioner found an alternative site for the same business. Accordingly, the petitioner applied for renewal of licence. Ultimately, the impugned notice was passed.
4. It is contended by the petitioner that according to the petitioner's own calculation, the amount should not exceed Rs.6,51,200/-, inclusive of the renewal fees and the late fine charges. The petitioner contends that such exorbitant amount of Rs.20,11,400/- was not justified and the authority did not give any breakup which would enable the petitioner to calculate how such huge amount had been demanded.
5. The contention of the petitioner is that there had been no willful laches and negligence on his part in filing the belated application for renewal of licence, after it had expired. This was a case where the restaurant-cum-bar of the petitioner had been demolished by the national highway authorities, for extension of a highway and the petitioner took considerable time to locate a suitable site to run his business.
6. Mr. Chakraborty, learned advocate for the State/Excise Department, submits that as per the proviso to Rule 14(5) of the West Bengal Excise (Selection of New Sites and Grant of License for Retail Sale of Liquor and Certain Other Intoxicants) Rules, 2003, the Collector would be

the appropriate authority to decide the issue involved.

7. It appears that the petitioner has already approached the Collector. It is also available on record that the heirs of late Tahamina Mondal had granted a no objection by affirming an affidavit.
8. Under such circumstances, the writ petition is disposed of, directing the respondent no.2 i.e. the District Magistrate & Collector, Nadia, to treat the writ petition as a representation of the petitioner and dispose of the same, in accordance with law, upon hearing the petitioner and heirs of late Tahamina Mondal. It already appears from the communication of the Superintendent of Excise, Nadia that the authorities are willing to renew the licence, provided the amount of Rs. Rs.20,11,400/- is paid.
9. Thus, the only issue before the Collector is recalculation of the exact amount that should be paid by the petitioner on account of renewal of the licence in his name. The special circumstances should be considered.
10. Needless to mention that a reasoned decision shall be passed and communicated to the parties, within a period of two months from the date of communication of this order.

11. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)