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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 12.08.2024+ **LPA 179/2023, CM Nos.11901/2023 & 24450/2024**

GOVT OF NCT OF DELHI & ANR.

.....Appellants

Through: Mr Prashant Manchanda, ASC with
Ms Nancy Shah, Adv. along with Mr
Rakesh Arora, ASO Insp. Excise
Deptt.

versus

ADHARV ENTERPRISES

.....Respondent

Through: Mr Naginder Benipal and Mr Ankit
Siwach, Advs.**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]**

1. This appeal is directed against the order dated 23.02.2023 passed by the learned Single Judge in CM no. 8993/2023 preferred in W.P.(C) no. 6162/2022.
2. A bare perusal of the impugned order would show that the learned Single Judge has directed de-sealing of the subject premises, and transfer of liquor stock available therein, after inventorizing the same.
- 2.1 Besides this, the concerned Assistant Commissioner, Excise Department, Government of NCT of Delhi, was also directed to ascertain whether the liquor is potable and can be sold from government vends.
3. We are informed that the writ petition is pending adjudication.
4. The instant appeal has been filed by the appellants [in effect, "GNCTD"] to assail the direction whereby, they have been directed to



inventorize the liquor stock and relocate the same.

5. What is not in dispute is that the respondent was granted L-7Z License for Zone 8 for the period spanning between November 2021 and March 2022.

6.1 Furthermore, it is not disputed by learned counsel for the appellants that the stock has been inventorized partially.

6. We had dealt with the issue pertaining to the transfer/relocation of liquor stock in a bunch of appeals concerning the owners/landlords of various vends. These appeals were disposed of *via* judgment and order dated 26.02.2024. The lead appeal was numbered as LPA no. 193/2023, titled ***Govt. of NCT of Delhi & Anr. v. Pradeep Kumar & Ors.***

7. In addition, on the same date, i.e., 26.02.2024, we had also passed an order in LPA no. 195/2023, titled ***Govt. of NCT of Delhi & Anr. v. Samaira Jewels Pvt. Ltd. & Ors.***

8. The appellants had carried the order passed in LPA no. 195/2023 in appeal to the Supreme Court.

8.1 The Special Leave Petition registered in that behalf, i.e., SLP (C) no. 13919/2024, was dismissed on 26.07.2024. The Supreme Court, while dismissing the Special Leave Petition [SLP], passed the following order:

- “1. As this Special Leave Petition is against the owner of the property, we are not inclined to interfere with the impugned judgment and order passed by the High Court.
2. The Special Leave Petition is accordingly dismissed.
3. However, dismissal of this Special Leave petition will have no implication on the proceedings that the petitioner would have taken against the licensee.
4. Pending application(s), if any, shall stand disposed of.”



9. As would be evident from the order passed by the Supreme Court on 26.07.2024, the Court refused to interfere with the order dated 26.02.2024 passed in LPA no. 195/2023 [which only followed the directions contained in LPA no. 193/2023 passed on the same date, i.e., 26.02.2024] on the ground that they concerned the owners.

10. Therefore, in effect, the vends would have to be cleared of the stock retained therein, without the said direction having any implication on the proceedings that the appellants may wish to trigger against the licensees.

11. Learned counsel for the respondent/licensee has pointed out that the owners/landlords have taken out proceedings for regaining possession of some of the vends. It is submitted that the respondent/licensee had taken on lease, in all, 18 vends.

11.1 In support of this plea that action has been taken by the owners/landlords concerning some vends, our attention has been drawn to page 529 of the case file.

12. Thus, having regard to the aforesaid state of affairs, we are inclined to dismiss the appeal.

12.1 It is ordered accordingly.

13. Needless to add, the dismissal of the appeal will not have any bearing on the proceedings that the appellants may take against the licensees, as indicated by the Supreme Court in its order dated 26.07.2024.

14. Consequently, the pending applications shall stand closed.

15. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 12, 2024/ aj