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

+ **W.P.(C) 10927/2024, CM APPL. 45019/2024**

SHARDA PIPES PVT LT

.....Petitioner

Through: Mr. Arum M. and Ms. Radhika C.,
Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Rajeev Aggarwal, ASC with
Mr. Shubham Goel, Advocates for R-
1, 2 with Mr. Avinash Singh, ASO.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.08.2024

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1. The Petitioner was a retail vendor having L-10 Licence for Retail vending of Indian and Foreign Liquor *vide* License ID No. L10/2014/02449, which was valid up to 30th September, 2021. According to the Petitioner, Government of NCT of Delhi (GNCTD) has adopted "New Liquor Policy" which was notified under notification No. F.(9)/Policy/Extn./Excise/2020-21/612 dated 10th September, 2021. Subsequently, on 1st August, 2022, the Office of Commissioner of Excise, GNCTD issued a notification/ order, with approval of the Competent Authority, to the following effect:

*"OFFICE OF THE COMMISSIONER OF EXCISE
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
L & N BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI-110002*

No. (9)/Policy/Extn./Excise/2020-21/1938

Dated 01.08.2022



ORDER

I am directed to convey the approval of the Competent Authority.

(i) To revert to the previous regime of excise duty based policy (as was prevalent before 17.11.2021) with effect from 01st September, 2022;

(ii) To extend retail (L7Z / L7V) licences and wholesale (L1) licences for a period of one month i.e. till 31st August, 2022, subject to payment of licence fee as applicable, and ensuring compliance of terms and conditions of such licences;

(iii) To convey that the existing retail (L7Z/L7V) licences and wholesale (L1) licenses will expire on 31.08.2022 with efflux of time.

2. The extension is subject to the advance payment of pro-rata license fee, pro-rata security deposit and other dues as per the provisions of the Delhi Excise Act, 2009 and Delhi Excise Rules, 2010. It shall be ensured that any dues do not exceed the security deposit amount available with the Department at any point of time during the extended period.

3. Necessary orders be issued regarding extension of retail (L7Z / L7V) licences and wholesale (L1) licences by the concerned branches dealing with these licences.

4. This issues with prior approval of the Commissioner (Excise).

*Sd/
(Anand Kumar Tiwari)
Deputy Commissioner (Excise)*

2. In view of the above, the Petitioner contends that since the GNCTD has decided to revert to the “Old Excise Policy”, whereunder private retail vendors were also being issued licenses, the Petitioner is also entitled to the grant of a license. To this effect, the Petitioner has issued a notice dated 1st August, 2024 through their counsel to the Respondents, pointing out that the Petitioner fulfils all the eligibility requirements to get a license for retail sale of liquor, and calling upon the Respondents to confirm whether they would be issuing such a license to the Petitioner. Since, there was no response to



the said communication, the instant petition has been filed.

3. Mr. Rajeev Aggarwal, counsel representing the Respondents, states on instructions that they have received the Petitioner's communication dated 1st August, 2024, and shall respond to the same within a period of six weeks from today, clearly specifying whether the Petitioner is eligible for grant of a license under the "Old Liquor Policy".

4. In light of the above stand, in the opinion of the Court, no further directions are necessary at this stage. All rights and contentions of the parties are left open. In case the Petitioner is aggrieved by the decision of the Respondents, Petitioner shall be free to avail of any remedy, as may be available to them, in accordance with law.

5. With the above directions, the petition is disposed of along with pending application.

SANJEEV NARULA, J

AUGUST 7, 2024

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