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

\+ W.P.(C) 1259/2024

PASHUPATI AGENCIES SPIRITS PVT LTD .....Petitioner

Through: Ms. Rhea Luthdra, Mr. Aditya Jain, Advs.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI & ORS. .....Respondent

Through: Ms. Avni Singh (PC) along with Mr. Gaurav Mudra, Adv. and Mr. Suraj Kumar (ASO-Excise Department)

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% **09.07.2025**

CM APPL. 39766/2025 (for early hearing)

1. This is an application filed by the petitioner seeking early hearing.

2. Considering the averments made in the application, the same is allowed.

3. W.P.(C) 1259/2024 is listed for hearing today itself. The date already fixed i.e. 20.08.2025 stands cancelled.

W.P.(C) 1259/2024

4. The petitioner has filed the present petition, who is a Carrying and Forwarding Agent (CFA) of respondent no.3, praying as under –

> *(a) Allow the present writ petition and direct Respondent No.2 to de-seal the leased premises of the Plot No. 325, Basement Floor, Patparganj Industrial Area, New Delhi — 110092 and dispose off the excisable confiscated liquor lying in the leased premises in a time bound manner and in the manner as this Hon'ble Court deems fits; and*
> *(b)Direct Respondent No. 2 to comply with prayer (a) and handover the peaceful vacant possession of the leased premises to Respondent No. 4;*

(c) Direct Respondent No. 2 and 3 to pay the maintenance and other payments qua the leased premises to Respondent No.4;
(d)Direct Respondent No.2 and 3 to pay compensation to the Petitioner on account of their failure to perform its statutory duty resulting in breach of fundamental rights of the Petitioner;

5. The background of the matter is that on 19.06.2013, Sainov Spirits Private Limited/respondent no. 3, through its unit Pilakhani Distillery & Chemical Works, applied for an L1 license (Application No. ARN0000013275) for the year 2013–2014 for the sale of its alcohol brands. The license was granted by the respondent no. 2 on 09.07.2013 subject to deposition of requisite license fee.

6. Pursuant to obtaining the license, respondent no. 3 approached the petitioner to act as its CFA in the NCT of Delhi. It is submitted that it was verbally agreed that the petitioner would take on lease a property to serve as a bonded warehouse (BWH) for storage and dispatch of respondent no. 3's liquor. It is submitted that though leased in the name of the petitioner, the rent was to be reimbursed by the respondent no. 3 along with the agreed service fee.

7. Consequently, the petitioner entered into a lease deed dated 10.07.2013 with respondent no. 4 for property bearing Plot No. 325, Basement, Patparganj Industrial Area, Delhi-110092, for use as a bonded warehouse. The agreed rent was ₹62,500 per month with an annual increment of 8% for three years from 01.07.2013 to 30.06.2016. Respondent no. 3 obtained approval from respondent no. 2 to use the said premises as BWH vide approval dated 07.08.2013.

8. The grievance of the petitioner is that upon expiry of the L1 license granted to the respondent no.3, neither respondent no.3 removed the leftover

stock by paying the excise duty and vacating the leased premises nor did the respondent no.2 take any steps to deal with the leftover stock.

9. It is submitted that despite sending numerous representations and reminders to respondent nos. 1, 2 and 3 no steps were taken by the respondents to remove the stock from the premises in question.

10. Instead, the premises has been lying sealed and the petitioner is being subjected to unnecessary and harsh financial burden on account of the intransigence of the respondents.

11. During the course of hearing, learned counsel for the respondent no. 2 submits that a large part of the stock lying at the premises in question i.e. Plot No. 325, Patparganj Industrial Area, New Delhi-92 has been destroyed pursuant to an inspection that was done in May, 2025. It is further submitted that an order has been passed on 03.07.2025 stating as under:-

"GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE COMMISSIONER OF EXCISE, ENTT. & L. TAX DEPTT.
L&N BLOCK, I.P. ESTATE, VIKAS BHAWAN, NEW DELHI

F.No. L-1/68/Ex/IMFL/2013-14/867-872 *Dated: 03.07.2025.*

ORDER

Approval of Competent Authority is hereby conveyed for destruction of following liquor stock lying at BWH of M/s. Pilkhani Distillery & Chemical Works, Ex L-1 Licensee (2013-14) situated at plot no. 325, Patparganj Industrial area, Delhi-92.

S.No	*Brand Name*	*Size*	*Quantity in bottles*
1	*President House special deluxe whisky*	*750ML*	*34 bottles*

The destruction of liquor stock will be carried out under the supervision of the following team of Excise Department:-

(i) Sh. Binod Kumar, Section Officer
(ii) Sh. Raj Kumar, Excise Inspector

The above said stock shall be destroyed within 07 days from the date of issue of the order as per SOP for destruction of leftover stock issued vide Ex/IMFL/L7Z/Z-31/2021-22/5456 dated 28.06.2023.

It is further directed that a compliance report (as per enclosed proforma)

alongwith photographs and video C.D. of Stock destroyed may be submitted to the undersigned within 07 days of issuance of this order. The team is further advised to conduct the destruction of liquor stock taking necessary precautions/ diligence as to not harm the environment.
After completion of destruction of the stock, handed over the keys to M/s. Pashupati agencies Pvt. Ltd.

-Sd-
Assistant Commissioner (Excise)"

12. It is submitted that the destruction of the stock as referred to in the aforesaid order dated 03.07.2025 shall take place within the next three days (i.e. on or before 10.07.2025). Thereupon, the keys of the premises shall be handed over to the petitioner and the premises shall stand desealed. The said statement is taken on record.

13. The respondents are directed to strictly adhere to the aforesaid statement and the schedule for removing the remaining stock from the premises in question.

14. Learned counsel for the respondents submits that the petitioner shall be duly present as and when the precise time for removal/ destruction of the previously expired stock is indicated by the respondent no.2 to the petitioner.

15. The above redresses the grievance of the petitioner as ventilated in the present case. The present petition is, accordingly, disposed of in the above terms.

SACHIN DATTA, J

JULY 9, 2025/*uk*