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WP No. 25556 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

WP No. 25556 of 2024

1. Villa Reddi Naidu
Proprietor Sri Vijaya Durga Wines, Rep
By Power Agent Villa Durga Ramesh
Kumar 2-9-502 Thota Street Yanam 533
464

Petitioner(s)

Vs

1. The Deputy Commissioner (excise)
Puducherry, Industrial Estate Road,
Thattanchavady Puducherry 605 008

2. The Deputy Commissioner (excise)
Yanam, Puducherry

Respondent(s)

PRAYER

Call for the records comprised in the impugned order made in No. 999 / DCEY / D.1 / Renewal /2021-22 (Vol. II) / 106 dated 04.07.2024 on the file of the 2nd respondent quash the same and consequently direct the respondents to renew the FL-2 license granted to the petitioner within a time frame as may be fixed by this honble Court

For Petitioner(s): Mr.V.P.Sengukuttvel
Senior Counsel
for M/s.D.Jagajothi

For Respondent(s): Mr.V.Vasanth Kumar,
AGP(Pondy) For Respondent



ORDER

This writ petition has been filed, challenging the impugned order dated 04.07.2024 passed by the second respondent, rejecting the petitioner's application seeking for renewal of the petitioner's FL2 licence for the premises morefully described in the prayer to this writ petition.

2. The second respondent has rejected the petitioner's application by stating the following reasons:

a) The petitioner cannot seek for renewal of FL2 licence, since the petitioner has approached for renewal after a long lapse of time from the date of the expiry of the FL2 licence granted to the petitioner earlier;

b) Rule 115A of the Puducherry Excise Rules, 1970 provides that an application for renewal of licence shall be submitted to the licencing authority not less than thirty days before the date of expiry of the licence. Since the same has not been done by the petitioner, the petitioner is not entitled for renewal of FL2 licence;

c) Being a matter of renewal of FL2 licence and since the same has been sought for after a very long period of time from its due date, a decision at the level of Government has to be taken and hence, a proposal has been sent to the Deputy Commissioner (Excise) Puducherry, with a request to take up the issue with the Government;

d) The Honourable Supreme Court in SLP (Civil) No.1923/2003, by its



order dated 11.11.2003 had upheld the order of the Madras High Court by dismissing the SLP on account of the renewal of licence as sought for after a lapse of considerable point of time. But, however, the Honourable Supreme Court permitted the renewal of the licence by holding that the same cannot be treated as a precedent in any similar future cases.

3. The learned senior counsel appearing for the petitioner drew the attention of this Court to the application submitted by the petitioner on 03.03.1982, seeking for renewal of the petitioner's FL2 licence on payment of necessary charges. He would submit that though the petitioner had submitted the application seeking for renewal of FL2 licence within the prescribed time limit, the respondents failed to consider the said application on merits and in accordance with law by passing final orders. Therefore, he would submit that the petitioner cannot be penalised by the respondents.

4. The learned senior counsel appearing for the petitioner also drew the attention of this Court to the observations made by the second respondent in the impugned order viz., the second respondent has observed that being a matter of renewal of FL2 licence after a very long period from its due date, the decision at the level of Government has to be taken and hence, a proposal has been sent to the Deputy Commissioner (Excise) Puducherry with a request to take up the issue with the Government. Relying upon the said observations, the learned



senior counsel for the petitioner would submit that without waiting for a decision of the Government, the second respondent has passed the impugned order, rejecting the petitioner's application seeking for renewal of the petitioner's FL2 licence, which is arbitrary and illegal.

5. The learned senior counsel for the petitioner also submitted that in the impugned order though a decision of the Honourable Supreme Court has been relied upon by the second respondent, the said decision has no bearing for the facts of the instant case. In the said decision, relied upon by the second respondent, the licensee has expired whereas in the case on hand, the very same licensee who had applied for renewal of FL2 licence in the year 1982 is very much alive. He would also submit that in the Supreme Court decision relied upon by the second respondent in the impugned order, the party was benefitted by the said decision by directing the respondents to grant licence to the said party. However, the Honourable Supreme Court in the said decision had made it clear that the said decision cannot be treated as a precedent.

6. The learned senior counsel appearing for the petitioner would submit that since the petitioner had satisfied Rule 115-A of the Puducherry Excise Rules 1970 by filing the renewal application within the prescribed time as stipulated in the said Rules, the second respondent has arbitrarily relied upon the said Rule for rejecting the petitioner's application, seeking for renewal of



FL2 licence.

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7. On the other hand, the learned Additional Government Pleader appearing for the respondents by relying upon the counter filed by the second respondent before this Court would reiterate the contents of the impugned order. In addition to that, the learned Additional Government Pleader appearing for the respondents would submit that the petitioner has not paid the applicable fees, seeking for renewal of FL2 licence and therefore, even on that ground, the application filed by the petitioner seeking for renewal of FL2 licence has got to be rejected.

8. The following facts are not disputed:

a) In the impugned order, a decision has been taken by the second respondent without waiting for a final decision to be taken by the Government on the petitioner's application seeking for renewal of FL2 licence, though an observation has been made in the impugned order that an application seeking for renewal of FL2 licence, which has prescribed, after a very long period from its due date, the decision at the level of Government is required;

b) The petitioner's application dated 03.03.1982 seeking for renewal of the petitioner's FL2 licence has not been given due consideration in the impugned order passed by the second respondent;

c) The petitioner categorically contends that the petitioner has paid



requisite fees for filing an application seeking for renewal of FL2 licence. No reasons have been given in the impugned order about the fees paid by the petitioner earlier in the year 1982 seeking for renewal of the petitioner's FL2 licence;

d) The decision relied upon by the Honourable Supreme Court has made it clear that though the said decision cannot be treated as a precedent, the Honourable Supreme Court had given benefit to the petitioner by directing the respondents to renew the petitioner's licence in the said SLP.

9. In view of the undisputed facts, recorded in the earlier paragraphs, this Court is of the considered view that the impugned order is a non speaking order with regard to the contentions of the petitioner as raised in this writ petition and necessarily, the impugned order has to be quashed and the matter remanded back to the second respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court after providing sufficient opportunities to the petitioner to put forward their contentions including granting them the right of personal hearing within a time frame to be fixed by this Court.

10. For the foregoing reasons, the impugned order dated 04.07.2024 passed by the second respondent is hereby quashed and the matter remanded back to the second respondent for fresh consideration on merits and in



accordance with law. The second respondent shall pass final orders after providing sufficient opportunities to the petitioner to raise all contentions including granting them the right to file written submissions and affording them personal hearing within a period of four months from the date of receipt of the copy of the order.

11. Accordingly, this writ petition is disposed of. No Costs.

02-02-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
ab

To

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Thattanchavady Puducherry 605 008

2. The Deputy Commissioner (excise)
Yanam, Puducherry



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ABDUL QUDDHOSE J.

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