

(2020) 11 PAT CK 0088

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 18983 Of 2019

Nand Kishore Poddar

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Nov. 24, 2020

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Dr. Manoj Kumar, Vivek Prasad

Final Decision: Disposed Of

Judgement

Heard the parties.

Petitioner has prayed for following relief:-

â€œFor issuance of an appropriate writ/writs in the nature of writ of mandamus commanding upon the concerned respondents to renew licence

No.1/2003-04 for wholesale of Denatured Spirits since 2016 up till now in the light of order of Excise Commissioner, Bihar, Patna contained in order

no.3680 dated 2.11.18.â€

Petitioner was holding licence being licence no.1/2003- 04 for wholesale business of Denatured Spirits i.e. spirits which has been rendered unfit for

human consumption and said licence was renewed upto 2015-16 and in the light of Excise Act, 2015, licence was not renewed with effect from

1.4.2016 to the petitioner company as well as other such companies.

The decision of the government not to renew the licence was challenged by some of the companies before Honâ€™ble High Court and by order

dated 30.9.2016 passed in CWJC No.5795 of 2016, it was held that State cannot cancel, refuse to renew any licence for manufacture of industrial

alcohol or Denatured Spirits and District Collector would be obliged to renew the same.

It is submitted that petitioner will be satisfied if representation of petitioner is considered by the District Magistrate, Bhagalpur for renewal of his

licence in terms of judgment and order passed by this Court as well as Apex Court.

This writ petition is disposed of with liberty to petitioner to file a detailed representation enclosing judgment and order passed by this Court as well as

Apex Court before respondent no.5, the District Magistrate, Bhagalpur for renewal of his suspended licence and same shall be considered by the

District Magistrate, Bhagalpur in accordance with law and pass a speaking and reasoned order within 30 days from the date of filing of such

representation.