
(2024) 12 SHI CK 0053
High Court Of Himachal Pradesh
Case No: CWP No.11723 Of 2024

M/s Orison Pharma International

APPELLANT

Vs

Commissioner, HP State Taxes &
Excise Department & Ors

RESPONDENT

Date of Decision: Dec. 26, 2024

Acts Referred:

- Constitution of India, 1950 - Article 226

Hon'ble Judges: Sandeep Sharma, J

Bench: Single Bench

Advocate: Suneel Awasthi, Rajan Kahol, Vishal Panwar, B.C. Verma, Ravi Chauhan

Final Decision: Disposed Of

Judgement

Sandeep Sharma, J. (Oral)

1. By way of instant petition filed under Article 226 of the Constitution of India, petitioner has prayed for the following main reliefs:

â€œ(a) That writ in the nature of mandamus may kindly be issued to the respondent No. 1 for cancelling the License L-19 A No. SMR-13/2017-7 issued to

Petitionerâ€™s firm and to grant NOC and No due Certificate after the cancellation of the said license.

(b) That writ in the nature of mandamus may kindly be issued to the respondents for granting permission to the petitioner for sale of Ethly alcohol as per letter

dated 06.05.2024 and to sell Codeine Phosphate lying in the petitionerâ€™s premises.â€

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2. Pursuant to notices issued in the instant proceedings, respondents No. 1 to 3 have filed reply under the signatures of Commissioner of State Taxes

& Excise, Himachal Pradesh, wherein it has been stated that request for cancellation of license in Form L-19 A granted to the petitioner is under

process and ethyl alcohol kept in the premises of the petitioner cannot be allowed to be destroyed till further action is taken with respect to

cancellation of the license. Learned counsel for the petitioner having perused the aforesaid reply, fairly states that till the time request made on behalf

of petitioner for cancellation of license is not considered, second relief, as prayed for, cannot be granted and as such, petition can be disposed of with a

direction to respondent No. 3 to decide the representation of the petitioner (Annexure P-7) in a time bound manner.

3. Consequently, in view of aforesaid submission made by learned counsel for the petitioner, present petition is disposed of with a direction to

respondent No. 3 to decide the representation of the petitioner (Annexure P-7) expeditiously, preferably within a period of six weeks, if not already

decided and in case, representation having been filed by the petitioner is allowed, consequent action to dispose of the Ethyl alcohol lying in the

petitioner's premises shall also be taken expeditiously. Needless to say, authority concerned, while doing the needful shall afford an opportunity of

hearing to the petitioner and pass speaking order thereafter.