

(2015) 03 KAR CK 0366

In the Karnataka High Court

Case No : Writ Petition Nos. 7474 and 7475 of 2015 (Excise)

Bhagirathi

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 19-03-2015

Acts Referred:

Citation : (2015) 3 KarLJ 292 : (2015) 4 KCCR 3256

Hon'ble Judges : H.G. Ramesh, J

Bench : Single Bench

Advocate : G.K. Bhat, for the Appellant; E.S. Indires, High Court Government Pleader, Advocates for the Respondent

Judgement

H.G. Ramesh, J.

1. Heard the learned Counsel appearing for the petitioner and the learned High Court Government Pleader appearing for the respondents. In this writ petition, the petitioner is challenging the order dated 11-2-2015 (Annexure-J) passed by the Excise Commissioner, Karnataka, rejecting the petitioner's claim for transfer of CL-9 licence. The Excise Commissioner has relied on Rule 17-A of the Karnataka Excise Licences (General Conditions) Rules, 1967 as amended in the year 2014 for rejection of the claim. The amended Rule reads as follows:

"17-A. Transfer in the event of death.--In the event of death of the licensee or the lessee during the currency of the licence or lease, the Deputy Commissioner may on an application by the legal heirs of the deceased with the previous sanction of the Excise Commissioner, transfer the licence or the lease as the case may be, in their favour".

Why the licence cannot be transferred under the above Rule is not stated. Hence, the impugned order dated 11-2-2015 (Annexure-J) is liable to be set aside. The matter requires to be reconsidered by respondent 2. Accordingly, I make the following order:

The impugned order dated 11-2-2015 is set aside. The matter is remitted to respondent 2 for reconsideration in accordance with law. All contentions of both the parties are kept open. Respondent 2 shall dispose of the petitioner's claim expeditiously and in any event within two months from the date of receipt of a copy of this order. The petition stands disposed of accordingly.