(1995) 02 AHC CK 0063

In the Allahabad High Court

Case No : Civil Miscellaneous W. P. No. 36766 of 1994

Bhagwan Das Gupta APPELLANT

Vs

Commissioner,Entertainment Tax,U.P.and Another RESPONDENT

Date of Decision : 02-02-1995

Acts Referred:
Uttar Pradesh Entertainments and Betting Tax Act, 1979 — Section 15

Citation : (1995) 02 AHC CK 0063

Hon'ble Judges : P.K.Mukherjee, J and B.M.Lal, J

Final Decision : Allowed

Judgement

1. By this petition the petitioner seeks a writ order or direction in the nature of certiorari quashing the order dated 1811993 passed by the Commissioner, Entertainment Tax, U. P. Lucknow by which the licence of the petitioners for running his Cinema House has been suspended as interim measuring in exercise of power contemplated under Section 15(2) of the U. P. Entertainment and Betting Tax Act (hereinafter referred to as the Act).

2. Heard learned counsel for the parties.

3. Shri Rajeev Gupra learned counsel appearing for the petitioner, submits that in exercise of power under Section 15(2) of the Act, Commissioner (respondent No. 1) has suspended the licence of the petitioner on 1811993 for running his Cinema House and submitted chargesheet which the petitioner has already replied. It has further been submitted that the matter has not as yet been investigated and disposed of. The learned counsel further submitted that though the statutory period of suspension under the provisions of Section 15 of the Act referred to above is three months yet the petitioner has not been allowed to operate the Cinema House.

4. Since the statutory period of three months of suspension has already been expired on 1841993 the petitioner is entitled to carry on his business of running the Cinema House.

5. The petition is accordingly allowed.

