

(2003) 09 AHC CK 0188

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 1674 of 1993

Daya Shankar Dixit

APPELLANT

Vs

State of U.P.through Special Secretary,Lucknow & Ors.

RESPONDENT

Date of Decision : 05-09-2003

Acts Referred:

Uttar Pradesh Excise Act, 1910 — Section 59

Uttar Pradesh Excise Rules, 1944 — Rule 179, 190

Citation : (2003) 09 AHC CK 0188

Hon'ble Judges : M.Katju, J and Umeshwar Pandey, J

Final Decision : Allowed

Judgement

M. Katju, J.—This writ petition has been filed against the impugned order dated 1491993 (Annexure6 to the petition).

2. The petitioner was a licensee of 9 shops of foreign liquor for the excise year 199293. It is alleged in para 4 of the petition that in the month of December, 1992 there was a disturbance at Aligarh due to Ayodhya dispute and Curfew was imposed in Aligarh from 6121992 to 3111993. Due to this, the shops of the petitioner remained closed and there was no sale of foreign liquor during this period.

3. It is alleged that under Section 59 of the U.P. Excise Act read with Rules 179 and 190 of the U.P. Excise Rules, the petitioner was entitled for remission of licence fee for this period. However, by the impugned order dated 1491993 the petitioner's claim has been rejected. A perusal of the impugned order shows that no reason has been ascribed therein. In our opinion reasons should have been given for rejecting the petitioner's application as held by the Supreme Court in S.N. Mukherjee v. Union of India, AIR 1990 SC 1984. Hence, we quash the impugned order and remand the matter to the concerned authority to decide the petitioner's application for remission afresh.

4. The petition is allowed.