
(2021) 05 OHC CK 0018
In the Orissa High Court
Case No : Writ Petition (No)No.16233 Of 2021

Iftekhar Ahmad

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 07-05-2021

Acts Referred:

Citation : (2021) 05 OHC CK 0018

Hon'ble Judges : Dr. S. Muralidhar, CJ; B.P. Routray, J

Advocate : P.K. Rath, D.K. Mohanty

Judgement

1. This matter is taken up by video conferencing mode.

2. Para 4.2.13 of the Excise Policy of the Government of Odisha for the year 2021-22 stipulates that for renewal of licence OS licensees shall, in

addition to depositing advance consideration money for three months at the time of renewal of license, pay a one-time interest free security

deposit (IFSD) equivalent to one month consideration money and also furnish a bank guarantee (BG) to the tune of three month's consideration

money.

3. As far as the Petitioner is concerned he has complied with the requirement of submitting the advance consideration money for three months as well

the IFSD. Further, although his licence has been renewed, the Opposite Parties are insisting that he should also furnish the BG in the sum of three

month's consideration money. It is the last condition regarding furnishing BG that is challenged in the present petition.

4. The submission of Mr. Rath, learned counsel for the Petitioner, is that the OS licensees have been singled out for a different treatment in para

4.2.13 of the Excise Policy as the requirement of furnishing BG to the tune of

three months consideration money is imposed only on OS licensees and not on other categories, viz., FL-OFF/CL/Tari/Pachwai/Bhanga shops.

5. Issue notice. Mr. D.K. Mohanty, learned Additional Government Advocate accepts notice on behalf of Opposite Parties and states that he will file reply within four weeks. Rejoinder thereto, if any be filed before the next date.

6. List on 14th July, 2021.

I.A. NO.7129 OF 2021

1. Till the next date the Opposite Parties will not insist on the Petitioner furnishing the BG, subject to the Petitioner having complied with all other conditions of para 4.2.13.

2. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order

available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide

Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.