

(1990) 07 MAD CK 0046

In the Madras High Court

Case No : Writ Petition No. 15263 of 1989

M/s. B. Ramaswamy and Co.

APPELLANT

Vs

The District Supply Officer, Licensing Authority of North Arcot
Ambedkar and another

RESPONDENT

Date of Decision : 09-07-1990

Acts Referred:

Essential Commodities Act, 1955 — Section 3

Citation : AIR 1991 Mad 157

Hon'ble Judges : Kanakaraj, J

Bench : Single Bench

Advocate : Mr. R.N. Kothandarakan, for the Appellant; Mr. M. Nuthappan, Government Advocate, for the Respondent

Judgement

1. The writ petition is for the issue of a writ of certiorari to quash the order dated 13-11-1989 and to direct the respondents to restore the normal

supply of kerosene to the petitioner who is a wholesale licence holder. The impugned order says that the petitioner did not lift the quantity of

kerosene allotted to him and that the accounts had not been kept properly and, therefore, exercising power under Clause 20(2) of the Tamil Nadu

Kerosene (Regulation of Trade) Order 1973 the 1st respondent had suspended the licence in favour of the petitioner. The argument addressed on

behalf of the petitioner is that under Clause 20(2) of the Order, the suspension can only be for a period of 90 days. Clause 20(2) of the Order says

that the competent authority ""may by an order in writing suspend, pending enquiry, for a period not exceeding 90 days, the authorisation issued to

a wholesale or retailer if he has reason to believe that any contravention of the terms and conditions has taken or is about to take place; provided

that within three days of such order, the grounds of suspension indicating as far as possible the facts and the provisions of law, order or conditions

of licence or registration certificate which prima facie, are violated shall be communicated.

2. In this case, the grounds on which the order of suspension has been issued are stated in the impugned order itself. But, the argument of learned

counsel for the petitioner is that the order of suspension can be only for 90 days. In my view, it is necessary that the order of suspension should

mention the period of suspension as 90 days or a period lesser than 90 days. If the order of suspension is not revoked or if final orders are not

passed in the enquiry within 90 days, automatically the order of suspension will cease to have effect. Unfortunately, in this case, the writ petition

has been filed on 30th November, 1989 and a stay order has been obtained. It is, therefore, made clear that the order of suspension will remain in

force only for a period of 90 days from the date of the order of suspension, excluding the period of stay granted by this Court. The writ petition is

ordered in the above terms. There will be no order as to costs.

3. Order accordingly.