
(2020) 08 MP CK 0244

In the Madhya Pradesh High Court

Case No : Writ Petition No. 10344 Of 2020

M/s Vinum Traders Pvt. Ltd

APPELLANT

Vs

State Of MP

RESPONDENT

Date of Decision : 11-08-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 08 MP CK 0244

Hon'ble Judges : G. S. Ahluwalia, J

Bench : Single Bench

Advocate : Prashant Sharma, Vijay Sundaram

Final Decision : Disposed Of

Judgement

This petition under Article 226 of the Constitution of India has been filed seeking the following relief(s) :-

1. The respondent be restrained from making recovery of license fees from petitioner during lockdown period which has already been ordered from 6-7-2020 to 12-7-2020 and 13-7-2020 to 19-7-2020 and for further period of lockdown.
2. Any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case may also kindly be granted.

It is submitted by the Counsel for the petitioner, that the petitioner is holding license to sell liquor. In the wake of Covid 19 Pandemic, the District Magistrate, Shivpuri issued prohibitory orders on 6-7-2020 and 13-7-2020, thereby directing the closure of all activities, except those which are exempted by the said orders. It is submitted that the liquor shops were not granted any exemption, therefore, in the light of the prohibitory orders, the petitioner was forced to close his liquor shop. However, the Excise Department is not ready to waive the license fee for the period during which the petitioner was forced to close its liquor shop. Accordingly, this petition has been filed seeking the above mentioned relief.

It is submitted by the Counsel for the petitioner, that the petitioner cannot be forced to do an impossible act in the light of the prohibitory orders issued by the Collector, under the instructions of the Central Govt. It is further submitted that entitlement of the Excise Department to recover the license fee is lost because of Force Majeure.

The petitioner was earlier directed to make a statement, as to whether any other writ petition touching the subject matter of the present case has ever been filed, decided or pending before either Principal Bench of this Court or Gwalior or Indore Bench. Accordingly, the petitioner has filed an affidavit (Document No. 4506 of 2020), thereby making a statement that the questions of law and fact involved in the present case were never the subject-matter of any litigation pending/decided either before the Principal Bench, Gwalior Bench or the Indore Bench of this Hon'ble Court.

Heard the learned Counsel for the Petitioner.

In fact, the Questions of law and facts which have been raised by the petitioner in the present case, were already the subject matter of bunch of Petitions which were filed before the Principal Bench of this Court at Jabalpur.

By a common Judgment dated 22 July 2020 passed in the case of Maa Vaishno Enterprises and others Vs. State of Madhya Pradesh and another in W.P. No. 7373 of 2020, the Division Bench, has decided the controversy involved in the present case. Accordingly, this petition is also disposed of in the light of the Judgment passed in the case of Maa Vaishno Enterprises and others (Supra).