

(2023) 04 OHC CK 0160
In the Orissa High Court
Case No : Writ Petition (C) No.11190 Of 2023

Tanu Gupta

APPELLANT

Vs

State Of Odisha & Ors

RESPONDENT

Date of Decision : 13-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0160

Hon'ble Judges : Dr B.R. Sarangi, J;M.S.Raman, J

Bench : Division Bench

Advocate : A.K. Patra, A.K. Parija, L. Samantaray, D. Mohanty

Final Decision : Disposed Of

Judgement

1. This matter is taken up through hybrid mode.
2. Heard Mr. A.K. Patra, learned counsel appearing for the petitioner and Mr. A.K. Parija, learned Advocate General of Odisha along with Mr. L. Samantaray and Mr. D. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties.
3. The petitioner has filed this writ petition seeking direction for renewal of license and for granting permission to carry forward and utilize the shortfall MGQ of the years 2021-22 & 2022-23 in the excise year 2023-24.
4. It is not in dispute that the license was granted to the petitioner for a period of five years and the said license has not been renewed due to non-utilization of MGQ granted, and that due to COVID-19 Pandemic, the petitioner-licensee was not able to consume the same. If the license of the petitioner is not renewed, it is observed that the State will lose revenue.
5. Mr. A.K. Parija, learned Advocate General of Odisha made a statement before this Court that let the license of the petitioner be renewed, subject to payment of license fee as well as other statutory dues, so that the petitioner will be able to operate the shop and the State will earn the revenue, and so far as shortfall MGQ

of the years 2021-22 & 2022-23 is concerned, the same be spread over to one year (2023-24) and not beyond that, to which learned counsel for the petitioner has agreed.

6. In view of such position, this Court disposes of the writ petition permitting the petitioner to deposit the requisite fees, along with statutory dues for running the shop on renewal thereof and whatever shortfall MGQ are there for the previous years 2021-22 & 2022-23, the same shall be spread over for the excise year 2023-24 along with the MGQ of the current year. It is, however, made clear that no other prayer of the petitioner shall be considered either by this forum or any other forum.

7. Issue urgent certified copy as per rules.

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