
(2020) 10 UK CK 0048

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1741 Of 2020

Vipin Chandra Kandpal

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 27-10-2020

Acts Referred:

Citation : (2020) 10 UK CK 0048

Hon'ble Judges : Ravi Malimath, J; Ravindra Maithani, J

Bench : Division Bench

Advocate : T.P.S. Takuli, Yogesh Pandey

Final Decision : Disposed Of

Judgement

Ravi Malimath, J

1. The plea of the petitioner is for a writ of certiorari to quash the impugned notice No. 1441/Zi.Aa./Nainital/Avshesh Adhibhar/2020/ dated 01.09.2020, which is the demand for the months of July and August, 2020. It is submitted that due to the subsequent events which have taken place, and the pending litigations, he was not able to run his shop. Therefore, it is difficult to pay the guaranteed amount for the months of July and August, 2020. During the pendency of this writ petition, a demand has also been made for the month of September, 2020. Hence, he pleads that he may be granted a year's time to make the payment; that he does not intend to contest the matter on merits, but only seeks for time to make the payment due so far as it relates to the months of July, August and September, 2020; and that he will continue to make the demands from the month of October, 2020 onwards.

2. Learned chief standing counsel disputes the same. However, on hearing learned counsels, we are of the considered view that purely in the interest of equity, relief should be granted to the petitioner. Admittedly, he was unable to run the shop due to the various litigations that were pending.

3. Therefore, we deem it just and necessary that a period of one year be granted to the petitioner to make the payment of the amounts due to be paid by him as on the date of demand for the months of July, August and September, 2020, by the end of November, 2021 in equal monthly installments to the respondents. The petitioner will make payment of the future amount as demanded by the respondents. Furthermore, the respondents shall release the proportionate extent of liquor to the amount that would be deposited by the petitioner on a month to month basis or otherwise.

4. The writ petition is disposed off accordingly.