



2022:JHHC:25811

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.3318 of 2022

M/s. Rupuchak Enterprises, Station Road,
Mihijam, Jamtara, Deoghar.

..... Petitioner.

-Versus-

1. The State of Jharkhand, through its Chief Secretary, Government of Jharkhand, Project Building, Dhurwa, Ranchi.
2. The Department of Excise & Prohibition, Government of Jharkhand, through the Secretary, Utpad Bhawan, Kanke Road, Ranchi.
3. The Excise Commissioner, Department of Excise and Prohibition, Government of Jharkhand, Utpad Bhawan, Kanke Road, Ranchi.
4. Deputy Commissioner, Latehar.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Indrajit Sinha, Advocate
For the State : Ms. Surabhi, A.C. to A.A.G.II

Order No.02

Date: 28.07.2022

The present writ petition has been filed for issuance of direction upon the respondent no.3 to dispose of the petitioner's representation dated 2nd May, 2022 (Annexure-7 to the writ petition) regarding refund of proportionate amount of licence fee amounting to Rs.78,33,333/- and security deposit of Rs.10,00,000/- in view of the fact that wholesale liquor licence granted in favour of the petitioner for Latehar district with respect to the period from 15th July, 2021 to 31st March, 2026 has been revoked with effect from 1st May, 2022 due to promulgation of new liquor trade policy by the State of Jharkhand. Further prayer has been made for declaration that the petitioner is entitled for refund of the proportionate amount of licence fee and security deposit, which has been deposited by the petitioner for obtaining wholesale liquor licence under Jharkhand Liquor Storage and Wholesale Sale Rules, 2021, along with interest.

Learned counsel for the petitioner submits that the State of Jharkhand promulgated Jharkhand Liquor Storage and Wholesale Sale Rules, 2021 (hereinafter to be referred as 'the Rules, 2021') on 9th June, 2021 incorporating the provisions of eligibility for getting wholesale licence of liquor. Pursuant to the aforesaid Rules, 2021, the petitioner applied for grant of wholesale liquor licence on 24th June, 2021 by depositing application fee of Rs.25,00,000/-. It has also deposited the licence fee of Rs.95,00,000/- for the period from



-2-

15th July, 2021 to 31st March, 2026 and security deposit of Rs.10,00,000/-. On deposit of the licence fee and on being declared successful, the petitioner was granted wholesale liquor licence for Latehar district on 15th July, 2021 by the licensing authority i.e. Deputy Commissioner, Latehar, which was valid till 31st March, 2026. Learned counsel for the petitioner further submits that in the year 2022, the respondent-State of Jharkhand promulgated another policy known as 'Jharkhand Liquor Storage and Wholesale Sale Rules, 2022' (hereinafter to be referred as 'the Rules, 2022'), wherein it has been decided to abolish the system of private wholesale dealers and to undertake the work of wholesale distribution of liquor through 'Jharkhand State Beverage Corporation'. Subsequently, the respondent no.3 issued a letter as contained in memo no.674 dated 1st April, 2022 addressed to all Deputy Commissioners of Jharkhand, informing, inter alia, that due to promulgation of the Rules, 2022 wholesale liquor licence granted to the licensees would come to an end with effect from 1st May, 2022 and distribution of liquor would be undertaken as per Rules, 2022. Thereafter, the petitioner filed representation before the respondent no.3 on 2nd May, 2022, requesting, inter alia, to refund the amount of security deposit and proportionate amount of licence fee for the period from 1st May, 2022 till expiry of the period of licence i.e. 31st March, 2026, however, the same was not responded, which has compelled the petitioner to file the present writ petition.

Having heard learned counsel for the parties and keeping in view of nature of the prayer made in the writ petition, without entering into merit of the case, the petitioner is given liberty to file a fresh representation on the present issue before the respondent no.3. On receipt of the said representation, the respondent no.3 after providing an opportunity of hearing to the petitioner's representative and on verifying the relevant records shall take an appropriate informed decision in accordance with law within four weeks from the date of filing of the representation.

The writ petition is, accordingly, disposed of with the aforesaid liberty and direction.

(Rajesh Shankar, J.)