

High Court of Sikkim

Record of proceedings

WP(C) No.14 of 2020

Moon Drops Enterprises

Petitioner

VERSUS

State of Sikkim and Others

Respondents

Date : 23-07-2020

CORAM :

THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, ACTING CHIEF JUSTICE

For Petitioner

Mr. J. B. Pradhan, Senior Advocate.
Mr. Leada T. Bhutia, Advocate.
Ms. Sabina Chettri, Advocate.

For Respondents

Mr. S. K. Chettri, Government Advocate.
Mr. Yadev Sharma, Government Advocate.
Mr. Hissey Gyaltsen, Assistant Government Advocate.

ORDER

1. Heard Learned Counsel for both the parties.
2. Also perused the common report in the form of Affidavit filed on behalf of the State-Respondents.
3. In Paragraph 2 of the common Report filed it is *inter alia* mentioned that in compliance of the Order dated 20th July, 2020, the answering State Respondents have filed the report in the highly volatile situation of complete lockdown of the state w.e.f. 21st July, 2020 to 27th July, 2020.
4. It is worth remarking that the complete lockdown is not a volatile situation, the lockdown is indeed a genuine concerted effort of the State Government to contain the COVID-19 pandemic on account of which the number of persons being taken ill are surging. The lockdown in no manner can be described as a volatile situation.
5. In the prevailing circumstances of the lockdown, the Courts are making all efforts to dispense justice.

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6. That having been said, Learned Government Advocate submits that there is every likelihood of the validity of the license of the Petitioner being extended by the Respondent No.3 beyond 31st July, 2020, but he is unable to enlighten this Court with the specifics on account of the lack of instructions.

7. Learned Senior Counsel for the Petitioner submits that interim relief by way of grant of extension of date of license after 31st July, 2020, be ordered by this Court.

8. I have given due consideration to the submissions put forth before me.

9. It is ordered that the Petitioner shall continue to work under the same license even after 31st July, 2020 till further orders of this Court and non-renewal of the licence/licences by the Respondent No.3 will not prejudice the Petitioner in any manner in the course of his work.

10. The Petitioner shall during the course of his work however ensure absolute compliance of all COVID-19 pandemic protocol issued by the State Government, without fail.

11. In the meanwhile, as prayed for, let Counter-Affidavit be filed within a period of 6 weeks by the State-Respondents. Rejoinder, if any, be filed four weeks' thereafter.

12. List on 06-10-2020.

Acting Chief Justice

23-07-2020

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