

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION**

W. P. (C) No. 45 OF 2015

M/s Mount Distilleries Ltd.,
Mazhitar, East Sikkim,
Having its registered office at
Palzor Stadium Road, Gangtok,
Represented by Jit Bahadur Chettri,
Assistant Manager. ----- Petitioner.

-VERSUS-

1. Secretary, Excise (Abk) Department,
Government of Sikkim,
M. G. Marg, Gangtok,
East Sikkim – 737 101.
2. Sikkim Information Commission,
Lower Secretariat opposite Super Market,
Gangtok – 737 101.
3. The Chief Information Commissioner,
Sikkim Information Commissioner,
Lower Secretariat opposite Super Market,
Gangtok – 737 101.
4. The State Public Information Officer,
Excise (Abk) Department,
M. G. Marg, Gangtok,
East Sikkim – 737 101.
5. Bedan Kumar Chettri,
S/o Late Shiva Kumar Chettri,
Residing at Central Pendam, Bhurung Busty,
P. O. Upper Pendam,
East Sikkim. ----- Respondents.

PETITIONER
ADVOCATE (S)

FOR ----- Mr. A. K. Upadhyaya, Sr. Advocate with Ms. Binita
Chhetri, Mr. Thupden G. Bhutia and Ms. Aruna
Chhetri.

RESPONDENT
ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Addl. Advocate General,
Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S. K.
Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates.

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
8.	27.07.2016	WP(C) No. 45 of 2015 M/s Mount Distilleries Ltd. vs. Secretary, Excise (Abk.) Department & Ors. BEFORE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE Present: Mr. A.K. Upadhyaya, Sr. Advocate with Ms. Binita Chettri, Advocates for the Petitioner. Mr. J.B. Pradhan, Addl. Advocate General with Mr. S.K. Chettri and Mrs. Pollin Rai, Asst. Govt. Advocates for the State-Respondents No. 1 and 4. Mr. Jorgay Namka with Ms. Panila Theengh, Advocates for Respondent Nos.2 and 3. Respondent No.4 in person. Respondent No.5 in person. ----- The submissions of Learned Counsel were heard for some time. It is the submission of Learned Senior Counsel for the Petitioner that vide Order dated 23-07-2015, the Respondent No.3, has not afforded an opportunity to the Petitioner of being heard. Consequently, there has been non-compliance of the provisions of Section 19(4) of the Right to Information Act, 2005. Hence, the matter be remanded back to the concerned Authority. Learned Additional Advocate General appearing on behalf of the Respondents No.1 and 4, and Learned Counsel appearing on behalf of the Respondents No.2 and 3, submit that they have no objection to the prayers of the Petitioner. After due consideration of the submissions and in view of the provisions of Law, I am of the opinion that this is a fit

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		matter which ought to be remanded back to the Respondent No.2. Writ Petition stands disposed of with the above directions. Judge 27.07.2016 Index : Yes / No Internet : Yes / No