

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS APPLICATION NOS.2229-2230 OF 2020

WITH

**INTERLOCUTORY APPLICATION NOS.116586 AND 118969
OF 2020**

IN

CIVIL APPEAL NO(S).3539-3540 OF 2020

SURESH CHANDRA

**... Applicant(s)/
Appellant**

VERSUS

JOGA SINGH BISHT & ORS.

...Respondent(s)

O R D E R

The Appeal filed by the applicant against the judgment of the High Court of Uttarakhand at Nainital was allowed on 21st October, 2020. Respondent No.2 was directed to permit the applicant to continue his business of running a foreign liquor shop. It is not disputed that the applicant was not permitted to run foreign liquor shop from 21st August, 2020 till 26th October, 2020 due to the interim order passed by the High Court on 21st August, 2020.

Notice was issued on 28.10.2020 directing the applicant to pay the Minimum Monthly Guarantee Duty for the period from

25th August, 2020 till 27th October, 2020 to the tune of Rs.73,23,969/-. The applicant has filed M.A. Nos.2229-2230 of 2020 seeking waiver of payment of Minimum Monthly Guarantee Duty for the period 21st August, 2020 till 26th October, 2020. The contention of the applicant is that he was prevented from continuing with his business activity due to the interim order passed by the High Court till it was vacated on 26th October, 2020. The demand made for payment of the minimum monthly guarantee duty for the period during which he did not conduct business due to the interim order is unjust.

Dr. Rajiv Nanda, learned counsel appearing for the State of Uttarakhand submitted that the demand is in terms of the allotment letter and the subject matter of dispute arises from a contract between the State and the applicant. He opposed grant of any relief to the applicant by arguing that the interim order was passed at the behest of respondent no. 1 and the State is not responsible.

It is clear from the judgment dated 26.10.2020 that the applicant was prevented from continuing with his business activity due to the interim order passed by the High Court on the basis of a misleading statement made by the first respondent that he was willing to offer a higher amount.

In the facts and circumstances of the case, we are of the considered view that the applicant cannot be asked to pay the Minimum Monthly Guarantee Duty for the period 21st August, 2020 till 26th October, 2020, as admittedly, the applicant did not carry on his business during that period. Notice dated 22.10.2020 is set aside.

M.As stand disposed of accordingly.

.....J.
(L. NAGESWARA RAO)

.....J.
(S. RAVINDRA BHAT)

NEW DELHI;
05th March, 2021.

ITEM NO.10 Court 8 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application Nos.2229-2230/2020 in C.A.Nos.
3539-3540/2020

(Arising out of impugned final judgment and order dated
26-10-2020 in C.A. No.3539/2020 26-10-2020 in C.A. No.
3540/2020 passed by the Supreme Court Of India)

SURESH CHANDRA ... Petitioner(s)

VERSUS

JOGA SINGH BISHT & ORS. ... Respondent(s)
(With applns for exemption from filing O.T., for
appropriate orders)

WITH
CONMT.PET.(C)Nos.716-717/2020 in C.A.Nos.3539-3540/2020

Date : 05-03-2021 These matters were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Brijender Chahar Sr. Adv.
Mr. Ayush Negi, AOR
Ms Manini Roy Adv

For Respondent(s) Mr. Ishit Saharia, AOR

Dr. Rajiv Nanda, AOR
Mr. Vinay Arora Adv.

UPON hearing the counsel the Court made the following
O R D E R

M.A.Nos. 2229-2230 Of 2020 With I.A Nos.116586 and 118969
of 2020 in Civil Appeal Nos.3539-3540 Of 2020:

M.As stand disposed of in terms of the signed order.

CONTEMPT PETITION NOS.716-717 OF 2020:

Issue notice on the alleged contemnor(s) returnable in two weeks. The respondent is directed to comply with the direction to pay an amount of Rs.1 Lakh as costs to the appellant in Civil Appeal Nos.3539-3540 of 2020, within four weeks from today.

Personal appearance of the alleged contemnor(s) is dispensed with for the present.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order in M.A.Nos. 2229-2230 Of 2020 with I.A Nos. 116586 and 118969 of 2020 in Civil Appeal Nos.3539-3540 Of 2020 is placed on the file)