

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 28TH DAY OF DECEMBER 2018 / 7TH POUSHA, 1940

WP(C). No.42545 of 2018

PETITIONER:

UNITED DISTILLERIES,
VENGALIPARA, ERANHIKKAL POST, CALICUT, KERALA,
REPRESENTED BY ITS GENERAL MANAGER (FINANCE)
UNNIKRISHNAN P.C.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 THE COMMISSIONER OF EXCISE,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM - 695 033.
- 3 THE JOINT EXCISE COMMISSIONER,
NORTH ZONE, KOZHIKODE - 673 001.
- 4 THE DEPUTY EXCISE COMMISSIONER,
KOZHIKODE - 673 001.
- 5 THE EXCISE INSPECTOR,
C/O. UNITED DISTILLERIES, VENGALIPARA,
ERANHIKKAL (POST), CALICUT, KERALA - 673 303.

BY GOVERNMENT PLEADER SRI.B. UNNIKRISHNA KAIMAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28.12.2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is engaged in the manufacturing of Indian Made Foreign Liquor. The petitioner submitted Ext.P3 representation before the 3rd respondent and Exts.P6 & P7 representations before the 4th respondent for adjustment of cost of establishment and other excise payments, which are pending consideration. The prayer of the petitioner is to direct respondents 3 & 4 to consider Exts.P3,P6 & P7 representations within a reasonable time.

2. In the above circumstances, there will be a direction to respondents 3 & 4 to consider and pass appropriate orders on Exts.P3,P6 & P7 representations, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE
JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE INTERIM ORDER DATED 06/03/2012 IN I.A. NO.3260 OF 2012 IN WP(C) NO.24949/2011.
EXHIBIT P2	TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C) NO. 24949/2011 DATED 09/10/2015.
EXHIBIT P3	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 19/01/2016.
EXHIBIT P4	TRUE COPY OF THE COMMUNICATION ISSUED BY THE 5TH RESPONDENT TO THE 3RD RESPONDENT BEARING NO.UD-01/2016 DATED 19/01/2016.
EXHIBIT P5	TRUE COPY OF THE COMMUNICATION DATED 05/02/2016 ISSUED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
EXHIBIT P6	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 31/10/2016.
EXHIBIT P7	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 21/08/2017.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE