

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition (M/S) No. 3356 of 2017**

Nitin Ahluwalia .....Petitioner

Versus

State of Uttarakhand and others .... Respondents

**With**

**Writ Petition (M/S) No. 3358 of 2017**

Ashish Chawla .....Petitioner

Versus

State of Uttarakhand and others .... Respondents

**With**

**Writ Petition (M/S) No. 3361 of 2017**

Kanta Prasad .....Petitioner

Versus

State of Uttarakhand and others .... Respondents

**With**

**Writ Petition (M/S) No. 3362 of 2017**

Yogendra Pundir .....Petitioner

Versus

State of Uttarakhand and others .... Respondents

**With**

**Writ Petition (M/S) No. 3381 of 2017**

Sanjay Madan .....Petitioner

Versus

State of Uttarakhand and others .... Respondents

**With**

**Writ Petition (M/S) No. 3382 of 2017**

Anil Chauhan .....Petitioner

Versus

State of Uttarakhand and others .... Respondents

**With**

**Writ Petition (M/S) No. 3383 of 2017**

Sachin Kumar .....Petitioner

Versus

State of Uttarakhand and others .... Respondents

**With**  
**Writ Petition (M/S) No. 3384 of 2017**

Amit Kumar .....Petitioner

Versus

State of Uttarakhand and others .... Respondents

Present :

Mr. Shobhit Saharia, Advocate, for the petitioner.

Mr. Devesh Ghildiyal, Brief Holder, for the State of Uttarakhand.

**JUDGEMENT**

**Hon'ble Sharad Kumar Sharma, J.**

These are the bunch of eight Writ Petitions, which engages consideration of a common question of fact, though no law as such, is involved to be decided at this stage.

2. In these bunch of Writ Petitions, the petitioners had particularly sought refund of the alleged licence fee/ duty, which they have deposited for the purposes of consideration of their applications for allotment of the respective licences for running the liquor shops, which never stood allotted to them.

3. They have submitted that since the licence was not granted, they would be entitled for the refund of their respective licence fee / duty, which they have deposited through their respective challan before the respondent No. 1, the details, of deposit in each of the Writ Petitions are given hereunder :-

S.No.	Writ Petition	Challan No.	Amount
1.	WPMS No.3356 of 2017	00428	Rs.2,93,301/-
2.	WPMS No.3358 of 2017	00422	Rs.6,49,544/-

3.	WPMS No.3361 of 2017	00442	Rs.4,36,936/-
4.	WPMS No.3362 of 2017	00420	Rs.2,80,975/-
5.	WPMS No.3381 of 2017	00425	Rs.2,63,818/-
6.	WPMS No.3382 of 2017	00431	Rs.5,77,444/-
7.	WPMS No.3383 of 2017	00432	Rs.1,69,212/-
8.	WPMS No.3384 of 2017	00429	Rs.1,35,653/-

4. The petitioners in the Writ Petitions have contended that since they had deposited the aforesaid amount for the grant of permission for running the excise liquor shops under the terms of the Excise Policy, as it was then applicable, i.e. the Excise Policy of 2016-17. But after depositing the amount, since no permission or licence or permit as such was granted in their favour, they would be entitled for refund of the amount which was deposited by them as detailed above by way of licence fee/ duty.

5. The learned counsel for the petitioners contends that they have raised their grievances against the action of non refund of the excise fee/duty before the District Excise Officer, but till date no decision has been taken as such, for the refund of the licence fee, deposited by the petitioners.

6. This Court is of the view, that since the aspect of refund of the licence fee / duty, would always be depending upon the terms of the policy, as it was applicable at the relevant time when the application itself was filed, it would be the District Excise Officer, who would be in a better position to decide the aspect of refund, if at all, it is contemplated under the Excise Policy.

7. This Court without expressing any opinion on the merits of the matter and respective claim, the Writ Petitions are disposed of with the direction to the District Excise Officer, to consider the aspect of claim of the petitioners for refund of the licence fee / duty, which is said that it stands deposited by them, qua the challan, which has been respectively dealt with above in tabular form, and take a decision on the same within a period of one month from today.

8. Subject to the aforesaid observations, the Writ Petitions stand disposed of.

**(Sharad Kumar Sharma, J.)**  
30.06.2022

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