

GAHC010004862018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 190/2018

1:M/S. SUBHALAKHI BONDED WAREHOUSE PVT. LTD.
HAVING ITS OFFICE AT AXIX MOTORS, MAKUM ROAD, TINSUKIA,
ASSAM, PIN-786125, REPRESENTED BY ITS DIRECTOR SHRI VIKASH
AGARWAL, AGED ABOUT 35 YEARS,

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EXCISE DEPARTMENT, DISPUR, GUWAHATI-6,
ASSAM,
2:THE COMMISSIONER OF EXCISE
ASSAM HOUSEFED COMPLEX
DISPUR GUWAHATI-6.

3:THE SUPERINTENDENT OF EXCISE
TINSUKIA ASSAM

Advocate for the Petitioner : MR. N J KHATANAR

Advocate for the Respondent : SC, EXCISE DEPTT.

ORDER

Date : 17/01/2018

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

Heard Mr. N.J. Khataniar, learned counsel for the petitioner. I have also heard Mr. P.N. Goswami, learned Standing Counsel, Excise Department, appearing for respondent nos. 1, 2 and 3.

The petitioner is operating a wholesale ware house (erstwhile bonded warehouse). Aggrieved

by the imposition of Establishment Charges despite withdrawal of the excise post therefrom, the present writ petition has been filed. Mr. Khataniar has invited the attention of this Court to the order dated 08/12/2017 passed in WP(C) NO. 7593/2017, wherein this Court had passed an interim order protecting the interest of the similarly situated persons. He submits that an interim order of similar nature be passed in this case as well.

Issue notice of motion returnable in four weeks.

Since Mr. Goswami, learned Standing Counsel, Excise Department has entered appearance and accepted notice on behalf of all the respondents, no formal notice is called for in this case. However, extra copies of the writ petition, in requisite numbers, be furnished to the learned Standing Counsel within three days from today.

List the matter along with WP(C) 7593/2017.

In the interim, having regard to the facts and circumstances of the case, it is provided that the respondents shall not insist on Establishment Charges upon the writ petitioner until further orders.

This order would, however, be subject to the outcome of the writ petition.

List accordingly.

JUDGE

Sukhamay

Comparing Assistant