

GAHC010066192026



2026:GAU-AS:4815

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

**Case No. : WP(C)/1884/2026**

SANDHYA RANI GOYARI  
D/O- SHRI ROBIN GOYARI, R/O- VILL.- NO. 2 CHATIANGURI, P.O.  
CHAPAGURI, P.S. DHALIGAON, DIST. CHIRANG, ASSAM, PIN- 783385.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, EXCISE DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER OF EXCISE  
ASSAM  
HOUSEFED COMPLEX  
DISPUR  
GUWAHATI-6.

3:THE DISTRICT COMMISSIONER  
CHIRANG DISTRICT  
P.O. AND P.S. KAJALGAON  
DIST. CHIRANG  
ASSAM  
PIN- 783385.

4:THE SUPERINTENDENT OF EXCISE  
CHIRANG  
KAJALGAON  
P.O. AND P.S. KAJALGAON  
DIST. CHIRANG  
ASSAM  
PIN- 783385

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

For the Petitioner(s) : Mr. I. H. Saikia, Advocate

For the Respondent(s) : Ms. M. Barman, Govt. Advocate  
Mr. D. Gogoi, SC, Excise Department

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **01.04.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

**JUDGMENT AND ORDER (ORAL)**

Heard Mr. I. H. Saikia, the learned counsel appearing on behalf of the petitioner and Mr. D. Gogoi, the learned Standing Counsel for the Excise Department appearing on behalf of the respondent Nos.1, 2 & 4. I have also heard Ms. M. Barman, the learned Government Advocate appearing on behalf of the respondent No.3.

2. The brief facts of the case are that the petitioner was granted an IMFL Retail "OFF" Shop licence at CHG-6, Dhaligaon Town, Ward No. 2, P.O. Dhaligaon, P.S. Dhaligaon, in the district of Chirang, which she has been operating in the name of Smti. Sandhya Rani Goyari, vide Licence No. 69 (2025-26) issued on 20.11.2025, in her own premises covered by Dag No. 806, Patta

No. 603, situated at CHG-6, Dhaligaon Town, Ward No. 2, P.O. Dhaligaon, P.S. Dhaligaon, in the district of Chirang.

3. It is the contention of the petitioner that certain persons from the locality of the petitioner's wine shop had lodged a formal complaint before the District Commissioner, Chirang, Kajalgaon, alleging that serious law and order and public safety issues arose due to the operation of the petitioner's wine shop. Having no alternative, the petitioner had to shift the said wine shop to a new location. The petitioner, accordingly, applied for permission vide application dated 22.12.2025 for shifting the said wine shop from its existing site situated at CHG-6, Dhaligaon Town, Ward No. 2, P.O. Dhaligaon, P.S. Dhaligaon, in the district of Chirang to a rented premises belonging to Sri Uttam Chandra Boro, covered by Dag No. 286 of P.P. No. 80/470, situated at No. 2, Chapaguri, Ward No. 4, P.O. Chapaguri, P.S. Kajalgaon, under Sidli Revenue Circle in the district of Chirang.

4. Mr. I. H. Saikia, the learned counsel for the petitioner, while referring to the Assam Excise Rules, 2016, particularly, Rule 294-A submits that the shifting of premises licensed for wholesale or retail vend of foreign liquor, country spirit and heritage alcoholic beverages from one location to another within the same district is

permissible in cases where the licensee is running his licensed shop at a place under rental deed and the landlord or owner of the place refused to extend the term of the lease. He submits that since certain persons from the locality of the petitioner's wine shop had lodged a formal complaint before the District Commissioner, Chirang, Kajalgaon, alleging that serious law and order and public safety issues arose due to the operation of the petitioner's wine shop, for which the petitioner has prayed for shifting of the license shop to another premises within the same District, which is permissible under the Rule, the rejection of the application for shifting of the license shop within the District is not sustainable. Therefore, the Respondent Authorities may be directed to consider the case of the petitioner in accordance with the provisions of the Assam Excise Rules, 2016.

5. Mr. D. Gogoi, the learned Standing Counsel for the Excise Department representing the respondent Nos.1, 2 & 4 submits that since the petitioner was granted the IMFL Retail "OFF" Shop license, pursuant to the tender process and considering his financial bid for a particular area as per the policy of granting license, the prayer for shifting of the wine shop to a different premises, which is far off from the present premises, cannot be permitted.

6. I have considered the submissions of the learned counsels for the parties and also perused the materials including the relevant Rules.

7. The Assam Excise Rules, 2016 has been framed under Section 84 of the Assam Excise Act, 2000, which has been amended vide notification dated 30.10.2020. The Assam Excise Rules, 2016 has substituted the Rule 294 and inserted the new Rule 294-A.

8. Rule 294-A of the Assam Excise Rules, 2016 regulates the shifting of the premises licensed for wholesale or retail vend of foreign liquor, country spirit and heritage alcoholic beverages from one location to another within the same district, which is quoted here in below:

*“294-A (1) The shifting of premises licensed for wholesale or retail vend of foreign liquor, country spirit and heritage alcoholic beverages from one location to another within the same district shall be allowed by the Excise Commissioner or the District Collector as the case may be, with prior approval of the State Government. No inter district shifting of any licensed premises shall be allowed.*

*2) The shifting of licensed premises shall be subject to the fulfillment of the following conditions, namely:-*

*(a) That the Gaon Panchayat/Municipality or Town Committee/Municipal*

*Corporation concerned in whose area the premises licensed for wholesale or retail vend is proposed to be shifted has given no objection to that effect.*

*(b) That the proposed premises are free from the distance restriction and other criteria as provided under rule 289.*

*(c) That the Excise Commissioner or the District Collector, as the case may be, shall consider only such proposals where the shifting is essential due to the following situations :-*

*(i) licencee whose premises are affected by the implementation of Development Scheme such as road widening or other similar reasons;*

*(ii) cases where the licencee is running his licensed shop at a place under rental deed and the landlord or owner of the place do not agree to extend the term of the lease;*

*(iii) cases where the shifting is essential due to Hon'ble Court's order;*

*(iv) cases where the Excise Commissioner or the District Collector as the case may be, is satisfied that the shifting is required arising out of circumstances such as change of existing rules or procedures, which are beyond the control of the licencee;*

*(v) cases where the Excise Commissioner or the District Collector is satisfied that the shifting is necessary in the interest of the public."*

9. Bare perusal of the above Rule shows that the shifting of premises of for wholesale or retail vend of foreign liquor, country

spirit and heritage alcoholic beverages from one location to another within the same district is permissible, which shall be allowed by the Excise Commissioner or the District Collector, with the prior approval of the State Government. However, no inter district shifting of license shop is allowed, with certain conditions. It provides, inter alia, that the cases where the licensee is running his licensed shop at a place under rental deed and the landlord or owner of the place do not agree to extend the term of the lease, shifting of premises of license can be allowed.

10. In the present case, admittedly the petitioner has been granted the IMFL Retail "OFF" Shop, for CHG-6, Dhaligaon Town, Ward No. 2, P.O.-Dhaligaon, P.S.-Dhaligaon in the district of Chirang. It is also an admitted position that certain persons from the locality of the petitioner's wine shop had lodged a formal complaint before the District Commissioner, Chirang, Kajalgaon, alleging that serious law and order and public safety issues arose due to the operation of the petitioner's wine shop. Although the petitioner has been granted the said licence for CHG-6, Dhaligaon Town, Ward No. 2, P.O. Dhaligaon, P.S. Dhaligaon, in the district of Chirang, the proposed new premises, namely the rented premises of Sri Uttam Chandra Boro covered by Dag No. 286 of P.P. No. 80/470 situated at No. 2, Chapaguri, Ward No. 4, P.O. Chapaguri,

P.S. Kajalgaon, under Sidli Revenue Circle, is also stated to be within the district of Chirang. Therefore, it would be permissible to shift to the new location within the same district in terms of Rule 294-A (supra).

11. Having considered the provisions of the above Rule and the facts and circumstances of the present case, this Court is of the view that the non-consideration of the application of the petitioner for shifting of his licensed premises from his existing site to a new site i.e. from CHG-6, Dhaligaon Town, Ward No. 2, P.O.-Dhaligaon, P.S.-Dhaligaon in the district of Chirang to rented premises of Sri Uttam Chandra Boro covered by Dag No. 286 of PP. No. 80/470 situated at No. 2, Chapaguri, Ward No. 4, P.O.-Chapaguri, P.S.-Kajalgaon under Sidli Revenue Circle on the ground that the petitioner was granted license only on the basis of the financial bid offered by him and would be contrary to the Government Policy of granting license, is rather contrary to the provision of the Rule 294-A of the Assam Excise Rules, 2016. Thus, the impugned action of non-consideration by the Commissioner of Excise, Assam is not sustainable.

12. In view of the above, this Court is of the view that the case of the petitioner for shifting of his license premises from existing site

at CHG-6, Dhaligaon Town, Ward No. 2, P.O.-Dhaligaon, P.S.-Dhaligaon in the district of Chirang would require to be considered in accordance with the applicable Rules, particularly, Rule 294-A of the Assam Excise Rules, 2016.

13. Accordingly, it is directed that the Commissioner of Excise, Government of Assam shall consider the case of the petitioner afresh, strictly in accordance with Rule 294-A of the Assam Excise Rules, 2016, without resort to the ground of granting of license pursuant to the tender on the basis of the financial bid, offered by the petitioner for the CHG-6, Dhaligaon Town, Ward No. 2, P.O.-Dhaligaon, P.S.-Dhaligaon in the district of Chirang as the Rule permits that the license shop can be allowed to be shifted from its existing premises to the new premises, within the same district.

14. The whole exercise of consideration of case of the petitioner be made within a period of 60 (sixty) days from the date of receipt of a copy of this order.

15. The writ petition stands allowed and disposed of.

**JUDGE**

**Comparing Assistant**