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

Case No. : WP(C)/1922/2026

SHRI BHARAT GOHAIN
S/O- LATE PESBOR GOHAIN.
R/O- OKANIMURIA KACHARI GAON, MOUZA- BOGDONG, P.O.- LAIPULI,
DIST.- TINSUKIA, ASSAM-786183.

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY DEPARTMENT
OF EXCISE, DISPUR, GUWAHATI, ASSAM-781006.

2:THE COMMISSIONER OF EXCISE
ASSAM HOUSEFED COMPLEX
DISPUR
GUWAHATI
ASSAM-781006.

3:THE ADDITIONAL COMMISSIONER OF EXCISE
ASSAM HOUSEFED COMPLEX
DISPUR
GUWAHATI
ASSAM-781006.

4:THE DISTRICT COMMISSIONER
DIST.- TINSUKIA
ASSAM-786125.

5:THE SUPERINTENDENT OF EXCISE
TINSUKIA
OFFICE OF THE DISTRICT COMMISSIONER
TINSUKIA
DISTRICT (EXCISE BRANCH

Advocate for the Petitioner : MR. R S MISHRA, MS. M DEY,MS B SARMA

Advocate for the Respondent : SC, EXCISE DEPTT., GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 07.04.2026

Heard Mr. R.S. Mishra, learned counsel for the petitioner and Mr. R.R. Gogoi, learned Standing Counsel, Excise Department for all the respondents.

2. The petitioner is granted three licenses under the provisions of the Assam Excise Rules, 2016 and the licenses are : [i] License to construct and work a Bonded Warehouse for the deposit and storage of Extra Neutral Alcohol [ENA] within the premises of a manufactory without payment of duty for manufacture of country spirit and for deposit and storage of manufactured country spirit; [ii] License for reduction of ENA for manufacture of country spirit; and [iii] License for Bottling of Potable Country Spirit. One of the conditions for granting the licenses for bottling of potable country spirit is that each bottle is required to bear the label previously approved by the Excise Commissioner.

3. One M/s Associated Alcohol & Beverages Company [the plaintiff] has instituted a commercial suit, Commercial Suit no. 11/2025 alleging violation of rights in the label used by the petitioner [the defendant]. By filing an application, Misc.[J] Case no. 146/2025, the plaintiff had also sought for an ad-interim injunction. By an Order dated 12.11.2025, the learned Court disposed of Misc.[J] Case no. 146/2025.

4. The relevant excerpts from the Order are reproduced below :-

In view of the findings arrived from the foregoing discussions, ad-interim temporary

injunction is granted as prayed for. The O.Ps/ defendants, their men, agents, representatives, distributors, assignees, heirs, successors, stockiest and all others acting for and on their behalf, are restrained from using, selling, soliciting, exporting, displaying, advertising or by any other mode or manner dealing in or using the impugned label, trade dress, label colour combination, packaging of its product Raagi and/or any other label/packaging which may be identical with and/or deceptively similar to the plaintiff's label/ trade dress/ label colour combination/packaging in relation to country spirit. They are also restrained from doing any other act amounting to or likely to passing off and violation of the plaintiff's rights in the said label used in the plaintiff's country spirit, infringement of the plaintiff's copyrights in labels/ trade dress/ label colour combination/packaging and from disposing or dealing with its assets including their warehouse factories etc. at the address mentioned in the memo and their stocks-in-trade or any other assets till disposal of the suit.

5. Subsequent to the Order dated 12.11.2025 passed in Misc.[J] Case no. 146/2025 by the Commercial Court, the respondent no. 2 by the impugned Order dated 18.11.2025 has ordered for temporary suspension of the country spirit brand 'Raagi' registered by the petitioner, who runs the business under the aegis of M/s Brahmaputra Distillery until further orders from the Commercial Court.

6. The plaintiff has instituted the commercial suit on the premise that it is in the business of blending and bottling of wide range of India Made Foreign Liqueur [IMFL] and country spirit such as Rhino no. 1, Rhino, etc. In the suit, the plaintiff has projected that subsequently, the defendant i.e. the petitioner started business of country spirit with labels, 'Raagi', the labels of which are deceptively similar having similar fonts and similar colour of label to that of the plaintiff. After consideration, the Order dated 12.11.2025 has been passed by

the Commercial Court and the said Order is still in force.

7. Subsequent to the Order dated 18.11.2025 of the respondent no 2, the respondent no. 5 has passed an Order on 26.03.2026 whereby the respondent no. 5 has observed that the renewal proposals of the petitioner's aforementioned three licenses cannot be considered at this stage.

8. Mr. Mishra, learned counsel for the petitioner has submitted that the restrained Order passed by the Commercial Court is limited in manner as indicated in paragraph 44 of the Order. Therefore, on the basis of the said Order, the renewal proposals for the three licenses could not be kept in hold. As a result of non-consideration of the renewal proposals of the three licenses, the petitioner's business has virtually come to a halt. The respondent authorities are required to explain the basis on which the impugned Order dated 18.11.2025 and the impugned Order dated 26.03.2026 have been passed on the basis of the provisions of the Assam Excise Rules, 2016.

9. For consideration of the interim prayer, the respondents are required to file its responses promptly.

10. Mr. Gogoi, learned Standing Counsel, Excise Department has sought time till 20.04.2026 to file its preliminary response.

11. The case is to be listed on 22.04.2026.

12. The prayer for interim relief is kept open for consideration on the next date of listing.

JUDGE

Comparing Assistant