

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 12110 of 2026

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M/S DELITE ENTERPRISE

Versus

**SUPERINTENDENT, PROHIBITION AND EXCISE DEPARTMENT,
PORBANDAR & ANR.**

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Appearance:

**MR RASHESH SANJANWALA SENIOR ADVOCATE WITH MR. JAIMIN R
DAVE(7022) for the Petitioner(s) No. 1**

MS MANVI A DAMLE(10805) for the Petitioner(s) No. 1

GOVERNMENT PLEADER for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 01/09/2026

ORDER

1. Heard learned Senior Advocate Mr. Rashesh Sanjanwala with learned advocate Mr. Jaimin Dave for the petitioner and learned AGP Mr. Angesh Panchal for the respondent-State.

2. The brief facts giving rise to the filing of the present petition are that the petitioner operates a hotel, for which he applied for a liquor license permitting the import and sale of foreign liquor at the said hotel.

3. Pursuant to the petitioner's application for grant of a liquor license, the competent authority issued the liquor license vide order dated 27.03.2026, and the petitioner was asked to pay a total amount of Rs.5,65,461/- under various heads. The

petitioner was also provided with the conditions along with the license by way of Form FL-II, as the petitioner was issued License No.1 of 2026–2027.

4. Out of the 10 conditions, Condition No.2 reads as under;

“ 2. The licensee shall, if required by the Collector, pay to the State Government in advance at the beginning of each quarter commencing from the date of this licence such of the staff appointed at the licensed premises for the purpose of excise supervision as may be fixed by the Director.”

5. The petitioner fulfilled the aforesaid condition and also paid three months’ salary of the Excise Superintendent to supervise the sale of liquor at the petitioner’s hotel.

6. The aforesaid facts would indicate that the petitioner has already been granted the license to run the permit room in the hotel as far back as on 27th March 2026, and the only requirement that remains to be fulfilled is the appointment of an Excise Supervisor pursuant to the license issued to the petitioner vide order dated 27th March 2026.

7. It is not the case of the respondents that the petitioner has

not been granted the license. The license has already been granted, but it is only on account of non-appointment of an Excise Supervisor that the petitioner is not in a position to run the liquor shop.

8. Therefore, this petition is preferred with a prayer to direct the respondents to forthwith appoint an Excise Supervisor/Officer at the petitioner's licensed premises pursuant to the issuance of the FL-I and FL-II licenses dated 27th March 2026, and to adjust the amount already paid by the petitioner towards supervisor-related charges, being Rs.5,65,461/-, for the period from 01.04.2026 to 30.06.2026 against the succeeding quarter commencing from 01.07.2026 to 30.09.2026.

9. Learned Senior Advocate Mr. Sanjanwala, appearing with learned advocate Mr. Dave, yesterday made an innocuous prayer that all that the petitioner wants is that the respondents may clarify their stand as to within what time the Excise Supervisor/Officer would be appointed, as the petitioner has already paid all the required charges and the license has already been granted to the petitioner.

10. Yesterday, i.e. on 31st August 2026, this Court, upon hearing learned Senior Advocate Mr. Sanjanwala and learned

AGP Mr. Kanara, had passed the following order:

“ Heard learned Senior Advocate Mr. Rashesh Sanjanwala appearing with learned advocate Mr. Jaimin Dave for the petitioner and learned AGP Mr. Nikunj Kanara for the State.

As learned AGP wants to take instructions considering the fact that the issue involved is only in respect of the appointment of a Supervisor, list the matter on 01.09.2026.”

11. Today, learned AGP Mr. Panchal has stated that the concerned officer, namely Mr. Mitul Patel, Deputy Director, Directorate of Prohibition and Excise has instructed him that he is not in a position to give any timeline for the appointment of an Excise Supervisor/Officer in the petitioner's hotel. However, he has also stated that the procedure would be completed immediately.

12. Learned Senior Advocate Mr. Sanjanwala submitted that the respondents are trying to take two different stands at the same time, inasmuch as, on the one hand, the concerned officer is not ready to give any timeline for compliance with the requirement, i.e. appointment of an Excise Supervisor/Officer within an outer limit, and, on the other

hand, they are assuring the Court that the exercise will be completed immediately. Both the stands taken by the concerned officer run contrary to each other.

13. In view of the above, the concerned officer, namely Mr. Mitul Patel, Deputy Director, Directorate of Prohibition and Excise, is directed to file an affidavit and state on oath as to within what time the Excise Supervisor/Officer shall be appointed at the petitioner's hotel.

14. Such time limit as may be given by way of affidavit should be given bearing in mind the fact that the petitioner has already paid the required amount as far back as in the last week of March 2026 and, though the aforesaid amount is towards the payment of salary of the Excise Supervisor, as stated by learned Senior Advocate Mr. Sanjanwala upon instructions, one entire quarter has already gone by and the petitioner's hotel is towards the end of completion of even the second quarter, which has commenced from 1st July 2026 to 30th September 2026. Coupled with the fact that the license has already been granted to the petitioner's hotel in the last week of March 2026, by now, around five months' time has already been taken by the authority for the appointment of an Excise Supervisor. Hence, the affidavit should be filed by

giving a reasonable outer limit for the appointment of an Excise Supervisor at the petitioner's hotel. Such affidavit must be filed on or before 3rd September 2026.

The matter shall be taken up on 3rd September 2026 at 2:30 p.m.

BHAVIN MEHTA

(NIRZAR S. DESAI,J)