

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 R S SANJANWALA, SENIOR COUNSEL ASSISTED BY MR JAIMIN R DAVE
AND MS MANVI A DAMLE for the Petitioner.
MR ANGESH A PANCHAL, AGP for the Respondents.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 03/09/2026
ORDER

Pursuant to the order passed by this Court on 1.9.2026, one Mr. Mitul Patel, Deputy Director of Prohibition and Excise, State of Gujarat has filed affidavit dated 3.9.2026 which reads as under :-

"1. I am filing the present affidavit in compliance with the order dated 01.09.2026 passed by this Hon'ble Court in the captioned Special Civil Application.

2. It is submitted that this Hon'ble Court vide order dated 01.09.2026 was pleased to pass the following order :-

"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."

Copy of the order dated 01.09.2026 is annexed herewith and marked as **Annexure-R1**.

3. It is respectfully submitted that the petitioner has already been granted the requisite licence vide order dated 27.03.2026. It is further submitted that the amount required to be deposited towards the Excise supervision/staff charges has also been deposited. The appointment/posting Supervisor/Officer at the licensed premises is required to be completed.

4. It is submitted that pursuant to the aforesaid directions issued by this Hon'ble Court, the concerned authorities are taking necessary steps for appointment/posting of an Excise Supervisor/Officer at the licensed premises. The necessary administrative procedure for the same is being undertaken by the concerned authority.

5. It is submitted that considering the administrative procedure required to be undertaken and considering shortage of supervisor/officer Staff, the present deponent states and undertakes before this Hon'ble Court that the necessary appointment/posting of an Excise Supervisor/Officer at the licensed premises shall be completed within an outer limit of 15 (Fifteen) days from today.

6. It is respectfully submitted that the aforesaid

outer time limit is stated keeping in mind the observations made by this Hon'ble Court in the order dated 01.09.2026. Every endeavour shall be made by the concerned authority to complete the appointment/posting Supervisor/Officer at the earliest and, in any event, within the aforesaid outer time limit. of the Excise

7. It is submitted that the present affidavit is being filed in due compliance with the directions issued by this Hon'ble Court vide order dated 01.09.2026."

2. In view of the above affidavit, as assurance is given in paragraph 5 of the said affidavit that the exercise of appointing Excise Supervisor / Officer at the licensed premises shall be completed within an outer limit of 15 days from today, learned Senior Counsel Mr. R. S. Sanjanwala appearing with Mr. Jaimin R. Dave, under instructions, seeks permission to withdraw this petition at this stage. Permission as prayed for is granted. The petition stands disposed of as withdrawn keeping all the rights and contentions of all the sides open. Liberty to file fresh petition in case of difficulty.

Needless to state that the amount already paid by the petitioner be adjusted from the date of appointment of the Excise Supervisor / Officer.

SAVARIYA

(NIRZAR S. DESAI,J)