

**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA****CWP No.3123 of 2019
Decided on: 08.04.2026**

Kamlini Kant Gupta	...Petitioner
Versus	
State of Himachal Pradesh & Ors.	...Respondents

*Coram***Ms. Justice Jyotsna Rewal Dua**¹ *Whether approved for reporting?*

For the petitioner:	Mr. Nitin Thakur, Advocate.
For the respondents:	Mr. Y.P.S.Dhaulta, Additional Advocate General.

Jyotsna Rewal Dua, Judge

Petitioner had pledged four FDRs as security against the excise licensees allotted to him for Unit No.5 Khajjiar and Unit No. 29 Killar, Chamba, H.P. for financial year 2016-17. These FDRs had been pledged in compliance to the Himachal Pradesh Announcements of Excise Allotment/Tender for the year 2016-17. Petitioner seeks direction to the respondents to release his FDRs pledged as security.

¹ *Whether reporters of Local Papers may be allowed to see the judgment? Yes*



2. Respondents have not released the FDRs to the petitioner on the ground that petitioner being the licensee for financial year 2016-17, did not lift 100% quota as per condition No. 4.3 of Announcement of the Excise Allotment for the year 2016-17. For this reason, penalty amounting to Rs. 12,10,383/- was imposed upon the petitioner under office letter dated 24.01.2018 followed by another office letter dated 23.07.2019 including the interest upon the penalty [Annexure P-3 (colly)].

3. The gist of submissions made by learned counsel for the petitioner is that respondents have wrongly retained his FDRs; In terms of Clause 4.3 of the Excise Announcements, petitioner had lifted benchmark 80% of the minimum guaranteed quota, therefore, penalty could not have been levied upon him. It was further stated that respondents had themselves not carried out quarterly review of the minimum guaranteed quota as per Clause 4.3 of the Excise Announcements.

4. It appears that petitioner had preferred a detailed representation to the respondents on 01.05.2018 (Annexure P-1), giving the facts and figures including the minimum



guaranteed quota, lifted quota, un-lifted quota and calculations of additional fees etc. alongwith prayer for releasing his FDRs. These facts and figures apparently, need to be examined by the respondents in light of applicable Excise Announcements.

5. Hence, in the interest of justice, this writ petition is disposed of with direction to respondent No.2/Competent Authority to examine and decide the representation of the petitioner at Annexure P-1. The petitioner shall be given an opportunity of hearing in the process. He be also permitted to place on record any other documents necessary for determining the issue. This exercise be carried out within six weeks. Copy of decision be conveyed to the petitioner. In the eventuality of the decision going against the petitioner, his FDRs shall not be encashed by the respondents for two weeks after the decision of the representation.

Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

April 8, 2026
R.Atal