



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3070 of 2025

Rabindra Kumar Sahoo

....

Petitioner

Represented by Adv.—
Mr. Lalatendu Kanungo, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Represented by Adv.—
Mrs. Suman Pattanayak, AGA

**CORAM:
THE HON'BLE THE CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE ARINDAM SINHA**

Order No.

**ORDER
27.03.2025**

- 01.** **1.** Undisputably, the 'OFF' shop excise license for sale of foreign liquor and beer was issued to the writ petitioner, the validity thereof was till 31st July, 2024. Prior to the expiration of a period by efflux of time, an application was made for renewal and the endorsement was made upon the original license having granted to the petitioner that the same is extended till 31st March, 2025. Subsequently, a policy decision was taken by the Excise Department, Government of Odisha revising the amount to be paid in the form of fees in relation to an application, renewal and



registration by the manufacturers / suppliers / wholesalers and retailers applicable for the year 2024-25.

2. The bone of contention of the petitioner in the instant writ petition is that the moment the authorities have extended the validity of a license till 31st March 2025, the revision in the midst of the validity period is unreasonable, arbitrary, liable to be quashed and set aside. On the other hand, learned counsel for the Department submits that the writ Court should be slow in interfering with the policy decision taken by the Government and in fact, the upward revision of fees for the year 2024-25 was duly communicated to all concerned way back in the month of August, 2024. The petitioner taking advantage of the validity period, kept mum for a considerable period of time and after realizing that the validity period is going to elapse at the fag end of the month of March 2025, the writ petition is filed in the month of January, 2025.

3. It is no more res integra that the Court should be slow and circumspect in interfering with the policy decision of the Government unless it does not withstand on the Wednesbury Principle i.e. the test of reasonability. It is within the competence



of the Government to frame a policy decision more particularly in relation to charging the fees for regulating the sale of a foreign liquor within the State and, therefore, we do not find that such decision of the Government can be impinged solely on the ground that the validity has been extended and the upward revision cannot come in the midway. We find a minor difference in the revised policy relating to the fees and the other charges. We do not find that it is a fit case where any interference is called for more particularly that the petitioner approached the Court at a belated stage.

4. So far as the other consequential reliefs, which are claimed in the instant writ petition, it is open to the petitioner to approach the authority by way of a representation and if such approach is made, the authority shall take a decision in accordance with law.

5. The writ petition is accordingly disposed of.

(Harish Tandon)
Chief Justice

(Arindam Sinha)
Judge

M. Panda/A. Nanda

Signature Not Verified

Digitally Signed
Signed by: ANISHA NANDA
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 27-Mar-2025 19:44:13

