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HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 1073 of 2018

23 March, 2026

Rajendra Prasad Chamoli

--Petitioner

Versus

State Of Uttarakhand Through Additional Chief Secretary
& others

--Respondents

Presence:-

Mr. Sandeep Kothari, learned counsel for the petitioner.

Mr. Suyash Pant, learned Standing Counsel for the State.

Hon'ble Pankaj Purohit, J.

By means of the present writ petition, the petitioner has sought a direction to respondent no. 1 to adjust the amount of money recovered by running or operating the country-made liquor shop, Doiwala, District Dehradun, on daily basis w.e.f. 01.06.2017 to 15.06.2017, in total yearly revenue to be paid by the petitioner with regard to the country-made liquor shop, Doiwala.

2. It is the case of the petitioner that the Excise Policy was issued by the respondent-State on 19.05.2017, wherein the shops were settled to different licensees. The shops of the licensees were to be settled w.e.f. 01.06.2017 to 30.03.2018. The shop was operative on daily basis w.e.f. 01.06.2017 to 28.06.2017, and it is only on 29.06.2017 that the shop was allotted/offered to the petitioner, and it is only on 29.06.2017 that the shop was started and run by the petitioner. The shop in-question was allotted to the petitioner on an annual revenue of Rs. 6 crores 70 lakhs only. The petitioner has deposited the



aforesaid amount with the State Government through the concerned authorities. The petitioner only wanted to adjust the revenue earned w.e.f. 01.06.2017 to 28.06.2017, which was earned by the petitioner on the basis of operation on daily basis. The said prayer was granted by the respondent-department in part only for the period of 16.06.2017 to 28.06.2017 while, the prayer for adjusting the amount w.e.f. 01.06.2017 to 15.06.2017 was not granted. Aggrieved by the said inaction on the part of the respondent-authorities, the petitioner is before this Court with the prayer to adjust the amount earned by the shop on daily basis w.e.f. 01.06.2017 to 15.06.2017.

3. Though a counter affidavit has been filed by the State, in which it has been stated that since the advertisement was issued only on 10.06.2017 w.e.f. 15.06.2017, therefore, the period subsequent to the advertisement was adjusted, while the period before the advertisement was left unsettled.

4. The petitioner has moved a representation dated 19.03.2018, annexure-4 to the writ petition, to respondent no. 3-District Excise Officer, Dehradun, but respondent no. 3 has taken no decision on the said representation.

5. Since the writ petition has been filed by the petitioner for a writ of mandamus, therefore, this Court is of the view that justice would be met if respondent no. 3 is directed to take a conscious decision on the representation dated 19.03.2018, annexure-4 to the writ petition, within the stipulated period fixed by this Court.

6. In such a view of the matter, the writ petition is disposed of finally, and it is provided that respondent no. 3-District Excise Officer, Dehradun shall take a decision



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on the representation dated 19.03.2018, annexure-4 to the writ petition, within a period of eight weeks from the date of production of a certified copy of this order. Needless to say that the representation should be decided by respondent no. 3-District Excise Officer, Dehradun, strictly in accordance with law, by a speaking order, after providing an opportunity of hearing to the petitioner.

7. Pending application, if any, also stands disposed of.

(Pankaj Purohit, J.)
23.03.2026

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