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<tr><th>SL. No</th><th>Date</th><th>Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures</th><th>COURT'S OR JUDGES'S ORDERS</th></tr>
<tr><td></td><td>19.05.2026</td><td></td><td>

<u>WPMB No.349 of 2026</u>
Deepak Kumar Thapa ... Petitioner
Vs.
State of Uttarakhand & Ors. ... Respondents

<u>Hon'ble Manoj Kumar Gupta, C. J.</u>
<u>Hon'ble Subhash Upadhyay, J.</u>

1. Mr. Sandeep Kothari, learned counsel for the petitioner.
2. Mr. Ganesh Kandpal, learned Additional Advocate General with Mr. Rajeev Singh Bisht, learned Deputy Advocate General for the State/respondent nos.1 to 4.
3. Mr. Shobhit Saharia, learned counsel for respondent no.5.
4. The State Government by Notification dated 05.03.2025, in exercise of powers u/s 40 of the U.P. Excise Act, 1910 (Adaptation and Modification Order, 2002) read with Section 21 of The U.P. General Clauses Act, 1904, has framed the Excise Policy governing allotment of liquor shops. Under Clause 3.14 there was specific prohibition for opening any new sub-shop in financial year 2025-26 except the shops which were in operation in the year 2024-25. Even in respect of the said shops, the Excise Commissioner was empowered not to renew the licence of such sub-shops where there was likelihood of public feelings getting affected or on ground of law and order. The contention is that general
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directions issued by the Excise Commissioner on 03.02.2026 to the extent the same permits sanctioning of sub-shops in financial years 2026-27 and 2027-28 in interest of revenue being contrary to the Excise Policy framed by the Government is wholly illegal and accordingly the permission granted to respondent no.5 to open the sub-shop and that too at a different site where no sub-shop was in operation in the previous years, is a result of colourable exercise of power.

5. Learned State Counsel was granted time to obtain instructions. He has placed on record the instructions received from the In-charge District Excise Officer, Dehradun and which have been forwarded by the Excise Commissioner along with his covering letter to the Chief Standing Counsel.

6. Since the contention is that the Excise Commissioner has exceeded its power in issuing general directions particularly that contained in Clause 46, therefore, we direct the Secretary, Excise, Government of Uttarakhand to file his affidavit and clarify the stand of the State Government in respect of the prohibition contained in Clause 3.14 of the Excise Policy.

7. List on 22.05.2026 under the same caption.

(Subhash Upadhyay, J.)
19.05.2026

(Manoj Kumar Gupta, C.J.)
19.05.2026

Rajni