

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10820/2005

(From the judgement and order dated 15/03/2005 in APOT No. 770/2004 of the HIGH COURT OF CALCUTTA)

NORTH 24-PARGANAS EXCISE LIC.ASSN.&ANR.

Petitioner(s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

(With prayer for interim relief and office report )

WITH SLP(C) NO. 17371 of 2005

(With prayer for interim relief and office report)

(With applns. for impleadment)

Date: 07/11/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

Mr. Soli J. Sorabjee, Sr.Adv.

Mr. Mukul Rohtagi, Sr.Adv.

Mr. Amiya Narayan Mukherjee, Adv.

Mr. Ranjan Mukherjee, Adv.

Ms. Aarti Khera, Adv.

Mr. Chanchal Kumar Ganguli,Adv.

For Respondent(s) Mr. Bhaskar P. Gupta, Sr.Adv.

Mr. Avijit Bhattacharjee, Adv.

Mr. Joydeep Kar, Adv.

Mr. Harish N. Salve, Sr.Adv.

Mr. Ranjit Kumar, Sr.Adv.

Mr. Rana Mukherjee, Adv.

Mr. D. Bharat Kumar, Adv.

Mr. Anand, Adv.

Mr. Abhijit Sen Gupta, Adv.

UPON hearing counsel the Court made the following

O R D E R

We find no ground to interfere in any of these matters in exercise of power

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under Article 136 of the Constitution. The High Court is seized of the matter. In fact,

the High Court by order dated 18th March, 2005 in Writ Petition No.639/2005 has

directed that in the meantime, if any excess licence is actually granted in accordance with

the Bengal Excise Acts and Rules, it is made clear that such licence cannot be granted in

terms of Circular dated 20.1.2004 issued by the Excise Commissioner, Government of

West Bengal vide Notification No.28-30/03-04/3369 (80) E and in any event, such licence

will abide by further orders to be passed on the writ petition and the mere fact that

licence has been granted will not entitle the alleged grantee to any equity in their favour.

It is the stand of the State Government before us that licences are not being

granted on the population basis and that the State is complying with the order dated

18th March, 2005. According to the petitioners, the State Government, in fact, is

violating the order dated 18th March, 2005 and in reality granting licences on

population basis. We express no opinion. If the respondents are violating the orders

passed by the High Court, it would be open to the petitioners to take appropriate steps

before the High Court. The High Court would decide the writ petitions in accordance

with law without being influenced by any observations passed while deciding the interim applications.

The special leave petitions are dismissed accordingly.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master