

Pernod Ricard India Private Limited vs Government Of National Capital ... on 29 March, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 4057/2023 and CM APPL. 15851/2023, 15852/2023, 15853/2023
PERNOD RICARD INDIA PRIVATE LIMITED Petitioner
Through: Mr. Akhil Sibal, Sr. Advocate
Ms. Anusha Ramesh, Ms. Neha
Modgil, Mr. Saurav Rajurkar
Asavari and Ms. Sanya, Advoca

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ANR. Respondent
Through: Mr. Ravi Kant, Advocate (M
8743002996).

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER

% 29.03.2023

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner company-Pernod Ricard India Pvt. Ltd. seeking directions to be issued to the Respondent No. 2- Department of Excise, Government of NCT of Delhi, to grant an L-1 license to the Petitioner for the licensing year 2022-2023. The case of the Petitioner is that it has already submitted Application No. ARN0000069880 dated 24th August, 2022 and Application No. ARN0000070043 dated 26th August, 2022, which were duly approved by Respondent No. 2 vice order dated 1st September, 2022.

3. The Petitioner has been constrained to approach this Court owing to the alleged delay and inaction of the GNCTD on its application for the grant of an L-1 license. The Petitioner company has been a licensee for the sale of liquor in Delhi for more than 20 years. From time to time, the liquor license has been extended.

4. The Delhi Excise Policy, 2021 was introduced on 17th November 2021, as per which the Petitioner was ineligible to hold any L-1 license. However, the said policy was scrapped w.e.f. 1st September, 2022, and thereafter, the Petitioner again became eligible for an L-1 license. The Petitioner has filed

the application and sought the license, which has also been approved on 1st September, 2022.

5. Ld. Sr. Counsel submits that the amount which was directed to be deposited by the Petitioner to the tune of more than Rs. 2.25 crore has also been deposited by the Petitioner. Thereafter, the Petitioner was asked to obtain a Police Verification Certificate for all its Directors. The Petitioner company has seven directors, out of which six verifications have been submitted in time. In respect of one of the seven directors who is a French national and who was undergoing medical treatment, the verification was submitted on 13th December, 2022.

6. The grievance of the Petitioner is that despite all documents having been submitted and the amount having been deposited, no decision is being taken on the license of the Petitioner. Ld. counsel for the Respondent submits that the Petitioner has made a representation on 13th December, 2022, and the same would be decided by the Respondent.

7. A perusal of the letter dated 1st September, 2022 issued to the Petitioner shows that the approval of the Competent Authority has been conveyed to the Petitioner. The said language reads as under:-

"Application Reference Number: ARN0000069880 Dated: 01/09/2022 With reference to your application dated 24/08/2022 on the subject cited above, I am directed to convey the approval of competent authority for grant of L1 Licence to M/S PERNOD RICARD INDIA (P) LTD.(UNIT -DERABASSI) for the year 2022-2023 for your aforesaid unit.

The approval has been granted for the registration of the following brands under L1 licence You are therefore required to deposit the following fees (as prescribed in the terms and conditions) for the L1 licence for the 2022-2023 year immediately so that further necessary action may be initiated:-

Payee code of the licensee : WV11985 It is to emphasize that further action will be initiated only after deposit of above mentioned fees. The licence shall be liable to pay the additional amount, if any account of fees in case of any short/levies charges. In case the requisite fee is not deposited within 7 days of issue of this letter, the approval of grant of licence may be withdrawn.

Subject To Condition :

Issue offer letter"

8. Initially, the license period was to be only till 31st March, 2023, the same extended circular dated 24th March, 2023 to 30th September, 2023. Thus, it is the submission of Mr. Akhil Sibal, Ld. Sr. Counsel that the Petitioner is suffering due to non-issuance of the license by the Respondents as it is unable to sell its products within the territory of Delhi.

9. Considering the fact that the Petitioner has now complied with all the directions and submitted the requisite police verification, there ought not to be any delay in considering the application for the grant of an L-1 license to the Petitioner.

10. Accordingly, it is directed that the decision of the grant of the L-1 license and in respect of the representation dated 13th December, 2022 be taken within a period of two weeks and the same be communicated to the Petitioner. The same shall be a reasoned order. All remedies, if required, are left open and to be availed of in accordance with law.

11. The present petition, along with all pending applications, if any, is disposed of.

PRATHIBA M. SINGH, J.

MARCH 29, 2023 mr/am