

New Berco Electronics & Ors vs Govt Of Nct Of Delhi & Ors on 3 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) 2734/2023 & CM APPLs. 10541/2023, 10628/2023
NEW BERCO ELECTRONICS & ORS. Petitioners
Through: Ms. Nidhi Singh, Advocate (M: 9999778019).

versus

GOVT OF NCT OF DELHI & ORS. Respondents
Through: Mr. Santosh Kr Tripathi SC civil
GNCTD With Mr. Arun Panwar, Ms.
Mehak Rankawat, Mr. Tapes
Raghav and Mr. Pradyumn Rao
Advocates (M: 9818112250).
Mr. Naginder Benipal and Mr. Ank
Siwach, Advocates for R-3, 5,6,7
9999329299).

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER

% 03.03.2023

1. This hearing has been done through hybrid mode.
2. The Petitioners are owners of seven premises, the details of which are set out below:-

S. No.	Owner	Property details
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1. Petitioner No. 1 New Built up Shop No. G-5 & G-7, and Shop Berco Electronics No. F-2, F-3, F-4, F-5 and F-6, Wadhwa Plaza, Plot No. 11, MLU Pocket, Sector 6, Dwarka, New Delhi -110075
2. Petitioner No.2 Saksham Built up Shop No. G-9, Ground Floor, Choudhary Vardhman Crown Mall, Plot No. 2, Sector-19, Dwarka, New Delhi
3. Petitioner No. 3 Akash Shop No. 101, First Floor, CSC Market, B- Block Hastal, Delhi- 110059 Dhawan

4. Petitioner No. 4 Vinod 50% share of Built up Shop No. G-1, Kapoor Manish Twin Plaza-II, Plot No. 2, Sector-11, Dwarka, New Delhi

5. Petitioner No. 5 Amol Built up Shop No. G.F.-6, Wadhwa Dutta Plaza, Plot No. 11, MLU Pocket, Sector 6, Dwarka, New Delhi - 110075

6. Petitioner No. 6 Pradeep Plot No.11, Service Centre No. 11, Bansal Facility Centre No. 26, Chilla, Dallupura, Delhi - 110096

7. Petitioner No. 7 Subash Shop No. 1, 3 & 4, Ground Floor & First Babbar Floor, Prem Nagar, Plot No. A-11, Block-R, Uttam Nagar, New Delhi -

110059.

3. The case of the Petitioners is that they had leased out the said properties to Respondent No. 3-M/s Adharv Enterprises who was a license holder for the sale of liquor which expired w.e.f. 31st March 2022. Ld. counsel for the Petitioners submits that premises have been sealed owing to the non-payment of excise duty by the said entity and electricity has also been disconnected. It is further stated that M/s Adharv Enterprises has also not paid the lease amount for the last several months. The property owners pray for the de-sealing of their properties.

4. Similar matters have been dealt with by this Court and the view taken is that owners of property cannot be made to suffer due to a dispute between the liquor licensee and the Excise Department. The Petitioners are property owners who had given their properties on rent to M/s Adharv Enterprises and are in fact not stated to have received rent for the last few months.

5. The inventory of M/s Adharv Enterprises has already been made as is captured in the order dated 18th July, 2022 passed by the Commissioner of Excise. The value of the said stock is stated to be Rs.4,66,14,547/-.The operative portion of the said Order is extracted hereunder-

"An whereas in compliance of the aforesaid orders dated 02.06.2022,the inspection teams have completed the exercise of inventory of physical stock available despite least co-operation from M/s Adharv Enterprises in completing the task. And whereas the barcodes were sent to M/s TCS for valuation of the stock which comes Rs. 4,66,14,547/- (Rs. Four Crore Sixty Six Lakh Fourteen Thousand Five Hundred Forty Seven Only) as per Whole Sale Price (WSP) and Rs. 13,97,46,345/- (Rs. Thirteen Crore Ninety Seven Lakh Forty Six Thousand Three Hundred Forty Five only) as per Maximum Retail Price (MRP) "

6. In view of the fact that the inventory has already been made and the calculation of the various of the stock has also been done, it is directed that the entire stock of the liquor found in each of the premises shall be transferred to the following warehouses, identified by M/s. Adharv Enterprises:

1. First Floor of Khasra No. 54/38,Village Nangli Poona City, New Delhi-110036

2. Basement Area, B-109 Rewari Line Mayapuri, Ind. Area Phase I, New Delhi

7. Upon the stock being transferred to the destination warehouse, the same shall be sealed by the Assistant Commissioner. The inventory, as also the report shall be placed before this Court.

8. After the shifting of the stock, the premises of the Petitioners shall be de-sealed by 10th April, 2023. It shall be the responsibility of M/s Adharv Enterprises to clear all the electricity dues, water dues or any other statutory dues during the period when they were in the occupation of the premises till the de-sealing, within a period of one week from desealing. The electricity to the premises shall also be reconnected inasmuch as the Petitioner cannot be blamed for the non-payment by M/s Adharv Enterprises.

9. List on 4th May, 2023 along with similar matters.

PRATHIBA M. SINGH, J.

MARCH 3, 2023 mr/rp