

Anheuser Busch Inbev India Ltd vs Govt. Of Nct Of Delhi & Ors on 30 November, 2022

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

\$~75

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 16491/2022 & CM APPLs. 51810-11/2022

ANHEUSER BUSCH INBEV INDIA LTD.

..... P

Through: Mr. Anupam Lal Das, Sr. Adv
with Mr. Anujul Raj, Mr.
Deep Singh & Ms. Nikita
Advocates. (M:8882155426

versus

GOVT. OF NCT OF DELHI & ORS.

..... R

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil)
with Mr. Arun Panwar, Mr
Raghav & Mr. Mahak Ranka
Advocates (M-7827545811)

CORAM:

JUSTICE PRATHIBA M. SINGH
ORDER

% 30.11.2022

1. This hearing has been done through hybrid mode. CM APPL. 51810/2022 (for exemption)
2. Allowed, subject to all just exceptions. CM APPL. 51810/2022 is disposed of.

CM APPL. 51811/2022 (for interim relief) in W.P.(C)-16491/2022

3. The Petitioner has filed the present petition seeking permission to unload the stock in question at the bonded warehouse of the Petitioner and for the sale of the same.

4. The case of the Petitioner is that with effect from 1st September, 2022 there was a new excise policy announced by the Respondent No.1 - GNCTD by which the eligibility to hold the license is now only with the manufacturing unit as per Clause 3.1. It is submitted that the Petitioner is constrained to file the present petition since the Respondents have refused to allow the Petitioner to unload stock amounting to 14,400 cases of imported Beer at the warehouses of M/s Indospirit Private Limited. Due to this, the consignment of Petitioner has been lying in trucks which are parked outside the bonded warehouse of M/s Indospirits, situated at Okhla.

5. Mr. Tripathi, ld. counsel for the GNCTD submits that a writ petition being W.P.(C) 15529/2022 titled M/s Indospirit Private Limited v. Commissioner of Excise Government of National Capital Territory of Delhi & Ors. was filed by M/s Indospirit Private Limited which has been disposed of by this Court vide order dated 14th November, 2022. Mr. Tripathi, ld. Counsel submits that the Respondent does not recognise the manufacturer under the policy regime. The relevant part of the order dated 14th November, 2022 is as follows:

2. The grievance of the petitioner essentially is that upon the expiry of the excise license which was held by it, it was left with unsold stock which could not be disposed of till that date. The submission of Mr. Rohatgi, learned counsel appearing for the petitioner, was that although the Deputy Commissioner has been duly moved by way of representations, no action has been taken thereon. It was additionally submitted that the petitioner is presently saddled with huge costs towards rent in respect of storage of the liquor stock in a bonded warehouse and it has made a representation for being permitted to shift the same to another bonded warehouse where the rental liability would be lesser.

3. Bearing in mind the aforesaid issues which stand raised, the Court is of the considered opinion that the ends of justice would warrant the Deputy Commissioner being called upon to dispose of the pending representations with expedition and preferably within a period of three weeks from today. All contentions of respective parties on merit are kept open.

6. As per the said order, the representation of M/s Indospirit Private Limited is pending and is to be decided within three weeks, which period expires on 5th December, 2022. By the said date, the GNCTD would be taking a decision on the said representation in compliance with the order passed by this Court.

7. The Court has perused the order dated 14th November, 2022 passed in W.P.(C) 15529/2022. It is not in dispute that M/s Indospirit Private Limited was a license holder and has made a representation for disposal of the leftover stock. The short question is as to how the left over stock from the earlier excise regime is to be dealt with.

8. While the said issue is pending adjudication, this court is of the opinion that the trucks/lorries consisting of the leftover stock ought not to be permitted to be parked on the streets outside the bonded warehouse of M/s Indospirit Private Limited in Okhla. Accordingly, subject to the Petitioner furnishing all the details as required by the Excise Department and a No Objection Certificate from M/s Indospirit Private Limited, the 14,400 cases of beer are permitted to be offloaded and stored in the warehouses of M/s Indospirit Private Limited.

9. For the said purpose, the inspection by the Excise Department shall take place on 2nd December, 2022 and 3rd December, 2022.

10. List this matter on 7th December, 2022 in the supplementary list.

11. The record of the W.P.(C) 15529/2022 titled M/s Indospirit Private Limited v. Commissioner of Excise Government of National Capital Territory of Delhi & Ors. be also scanned with the present writ petition and be sent to this Court.

PRATHIBA M. SINGH, J.

NOVEMBER 30, 2022/dj/kt