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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2/2020

M/S FOODLAND BY ORCHID ..... Petitioner

Through: Mr. Amit Saxena & Mr. Santosh K. Sharma, Advs.

versus

GOVT. OF NCT OF DELHI & ANR. ..... Respondents

Through: Mr. Santosh Kr. Tripathi, ASC for GNCTD with Mr. Arpit Bisht, Adv.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

% 03.01.2020

CM APPL. No. 05/2020 (for exemption)

Allowed, subject to just exceptions.

The application stands disposed of.

W.P.(C) 2/2020 & CM APPL. No. 04/2020 (stay)

The petitioner/M/s Foodland by Orchid (Unit of Meenu Agencies Pvt. Ltd.), which runs a departmental store that also sells beer and wine, impugns order dated 19.12.2019 issued by respondent No. 2/Office of the Commissioner, Excise, Entertainment & Luxury Tax of the Government of NCT of Delhi, purporting to withdraw the L-12/L-12F license issued on 10.08.2015 permitting the petitioner to sell beer and wine from its departmental store. The license is sought to be withdrawn in compliance of Cabinet Decision dated 11.12.2019 whereby it has been decided to

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withdraw all such licenses *w.e.f* 20.12.2019.

2. Learned counsel appearing for the petitioner points-out that the L-12/L-12F license for retail vending of beer and wine from the petitioner's departmental store was issued on 10.08.2015 and is valid till 31.03.2020. He further points-out that in a batch of petitions, the lead matter being W.P.(C) 13785/2019 titled ***M/s Paradise Departmental Stores & Anr. vs. Govt. of NCT of Delhi & Anr.***, the operation of similar orders withdrawing liquor licenses of departmental stores, have been stayed by this court *vide* order dated 24.12.2019. The aforesaid order dated 24.12.2019 has also been followed by Co-ordinate Benches of this court in W.P.(C) 13997/2019, in W.P.(C) 14003/2019 and other connected matters. The petitioner claims parity with such other departmental stores.

3. Counsel for the petitioner further states that consequent to impugned order dated 19.12.2019, respondent No. 2 has in fact 'sealed' the section of the petitioner's store from which beer and wine was being sold. He accordingly also seeks that seals so placed be removed forthwith.

4. Issue notice.

5. Learned counsel for the respondents enters appearance on advance copy ; accepts notice ; and seeks time to file counter-affidavit.

6. Let counter-affidavit be filed within three weeks ; rejoinder thereto, if any, be filed within one week thereafter.

7. In view of orders passed by Co-ordinate Benches in other petitions filed by similarly situate entities, involving the same issue, it is directed that in the meantime, the operation of impugned order dated 19.12.2019 shall remain stayed, subject to the petitioner complying with all terms and

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conditions of the license. It is also directed that the respondents shall facilitate the petitioner's access to online excise portal for working and availing the license.

8. Considering the facts and circumstances of the case, it is also directed that respondent No. 2 shall de-seal the portion of the petitioner's shop that has been sealed as a consequence of withdrawal of the licence, within two days.

9. List before Roster Bench on 03rd February, 2020 alongwith W.P.(C) 13785/2019.

10. *Dasti* under signatures of the Court Master.

ANUP JAIRAM BHAMBHANI
(VACATION JUDGE)

JANUARY 03, 2020/*uj*

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