

Excise Commissioner and Another

Vs

Chander Shekhar and Others

Civil Appeals No. 6223 to 6227 of 1983

(E. S. Vankataramiah, O. Chinnappa Reddy JJ)

06.09.1983

ORDER

These five civil appeals relate to the auction of the exclusive privilege of selling bhang in the shops in Allahabad District. Ordinarily these five appeals should be allowed on the same lines as Civil Appeal Nos. 5997, 6017 etc. of 1983 but Shri Mridul, learned counsel for the respondents, drew our attention to the circumstances that the Excise Commissioner while purporting to set aside the auction of foreign liquor, country liquor and bhang shops by a single order did not address himself separately to the question whether there was any reason whatsoever to set aside the auction of bhang shops. Shri Mridul is right. There is not a sentence in the order of the Excise Commissioner to indicate that he addressed himself to and considered separately the question whether there was any ground, the interest of the revenue or any other reasons, to set aside the auction of bhang shops. In these circumstances, we set aside the judgment of the High Court but instead of restoring the order of the Excise Commissioner, we direct the Excise Commissioner to reconsider the question of setting aside the previous auction and ordering reauction in so far as bhang shops are concerned. The appeals are allowed as indicated. No order as to costs.

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