

SUPREME COURT OF INDIA

Agra Club Ltd.

Vs.

State of U.P.

(A Anand, D Wadhwa and S R Babu JJ.)

30.11.1999

JUDGMENT

DR. A.S. ANAND, C.J.I.

1. A batch of writ petitions came to be decided by the High Court of Allahabad. These two appeals arise out of that batch of cases.
2. We have heard learned Counsel for the parties.
3. The challenge in the writ petitions filed before the High Court was to the U.P. Permit for Possession of Foreign Liquor by Club Rules 1980. The Division Bench of the High Court after a detailed discussion negated the challenge. It was found that the Club Rules of 1980 were neither discriminatory nor arbitrary. The High Court while interpreting various Rules and Section 20 of the U.P. Excise Act, 1910 read with Section 7 of the Act found that a club which wants to keep liquor for supply to its members, is required to take a permit in accordance with law. On a careful consideration of the matter, we are not persuaded to take a view different than the one taken by the High Court, with which we agree.
4. Learned Counsel for the Respondent State of Uttar Pradesh in each one of these two appeals submit that at the time when leave was granted by this Court on 11.2.1991, stay of the prosecutions, if any, which may have been instituted in respect of any alleged violations of the Rules in the past, was also ordered. It is submitted that for those violations, which were prior to 1990, no prosecutions shall be pursued or commenced by the State. We record the statement of the learned Counsel.
5. These appeals, therefore, fail and are dismissed with no order as to costs.

