

WP(C) No.26 of 2016

M/s. Himalaya Distilleries Ltd. vs. The State of Sikkim and Others

BEFORE

HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

09. 12-06-2017 Present : Mr. Devashis Baruah, Ms. Nirmala Upadhyay, Mr. Biswajit Kumar and Mr. Passang Tshering Bhutia, Advocates for the Petitioner.

Mr. J. B. Pradhan, Additional Advocate General with Mr. S. K. Chettri and Mrs. Pollin Rai, Assistant Government Advocates for the Respondents.

Heard Learned Counsel for the parties.

It is submitted by Learned Counsel for the Petitioner that, no steps have been taken by the Appellate Authority, in terms of the direction issued vide Judgment of this Court in WP(C) No.39 of 2013 on 14-11-2013, although an Appeal was filed by the Petitioner. Since three years have elapsed after the said direction and the Appeal, with no conclusive steps having been taken, this Court may direct the concerned Authorities to dispose of the Appeal within a period of thirty days, from today.

Learned Additional Advocate General has no objection to the prayer of the Petitioner in view of the fact that indeed no specific Order has been issued by the Appellate Authority either way but the matter had been kept in abeyance in view of the Title Suit No.06 of 2014, that had been filed by the Petitioner before the Learned Court of the Principal District Judge, East Sikkim, at Gangtok. That, however, two months' time be allowed to the Respondent No.2 to take steps.

I have given careful consideration to the submissions.

In view of the aforesaid circumstances, this Writ Petition is disposed of with the direction to the Respondent No.2, the Appellate Authority, to take steps with regard to the Appeal of the Petitioner pending before it and dispose of it not later than

forty-five days from today. The Respondent No.2 shall take a fresh view of the matter, independent of any prior observations.

The Petitioner may approach this Court thereafter, if so advised.

Judge
12-06-2017

Index : ~~Yes~~/No

Internet : Yes/~~No~~

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