

GOVERNMENT OF JAMMU & KASHMIR
OFFICE OF THE EXCISE COMMISSIONER, J&K, JAMMU
EXCISE & TAXATION COMPLEX, RAIL HEAD COMPLEX, JAMMU
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Order No: 54 EC of 2022

Date: 27 /05/2022

**Subject: Consideration Order in compliance to Hon'ble High Court
Order dated 14-01-2022 passed in WP(C) No. 26/2022,
titled Amar Nath Bhargav Vs UT of J&K and Others.**

Whereas, a License bearing No. 06/D-2 dated 29-01-1982, was issued by the Competent Authority i.e Excise Commissioner in terms of Section 11 of Jammu & Kashmir Excise Act, Svt, 1958 for manufacturing and possession of Indian made Foreign Liquor (IMFL), in the name and style of M/s. Ranson Industries, Gangyal, Jammu (distillation plant).

Whereas, Shri Amar Nath Bhargav S/o. Late Shri. Dogar Nath Bhargav was inserted as partner in the License under the name and style of M/s. Ranson Industries on 07-07-2004 along with Shri. S. Dalip Singh who was deleted by virtue of a dissolution deed vide Order No. 345 of 2004 dated 04-09-2004 issued by the Excise Commissioner.

Whereas, said Licensee entered into a partnership deed on 10-01-2018 duly registered by Sub- Registrar 2nd Additional Munsiff, Jammu with one Shri Surjeet Singh to carry on the business of M/s. Ranson Industries as partner, on the Land of Shri Amar Nath Bhargav.

Whereas, the Competent Authority issued Order No. 120 of 2018 dated: 09-06-2018 accepting the partnership deed between Shri Amar Nath Bhargav & Shri Surjeet Singh to carry on the business of M/s. Ranson Industries as partner, on the Land of Shri Amar Nath Bhargav

Whereas, both the partners namely Shri Amar Nath Bhargav and Shri Surjeet Singh entered into a Dissolution Deed dated 01-02-2019, duly registered by Sub- Registrar 2nd Additional Munsiff, Jammu and signed by both the partners whereby the 1st partner namely Shri Amar Nath Bhargav desired to get his name deleted from the License No. 06/D-2 and the 2nd partner namely Shri Surjeet Singh became the sole and absolute owner of the business by mean of this dissolution deed, subject to the condition that the 1st partner namely Shri Amar Nath Bhargav shall remain the Sole owner



of the Land, old distillation plant and building of the Ranson Industries and the 2nd party namely Surjeet Singh shall not claim any right over the Land and building of Ranson Industries

Whereas, on the recommendation of Deputy Excise Commissioner (Distilleries) Jammu, the Excise Commissioner, vide Order No. 147 of 2019 dated: 18-06-2019 deleted the name of first partner namely Shri Amar Nath Bhargav S/o. Dogar Nath Bhargav from the License No. 6/D-2 of M/s. Ranson Industries, Gangyal, Jammu in terms of Rule 6 of the Jammu & Kashmir Distillery Rules, 1946, read with SRO 432 dated 25-22-2010 issued by the Finance Department, J&K.

Whereas, Shri Amar Nath Bhargav, who is the sole owner of the Land, old distillation plant and building of the Ranson Industries filed an application before the Excise Commissioner dated 12.10.2020 for dismantling of Old/Obsolete structure of Ranson Industries Pvt. Ltd at Gangyal Jammu.

Whereas, Shri Amar Nath Bhargav, owner of the Land, filed a writ petition WP(C) No. 1248/2021 before the Hon'ble High court for seeking direction to the Excise Department for allowing him to remove plant and machinery from his land/unit.

Whereas, the Hon'ble High Court while hearing the petition on 30-06-2021 passed an order, the operative part of same is reproduced as under:-

"In view of the aforesaid, this petition is disposed of at this stage itself by directing the respondents to consider and decide the application of petitioner dated 12.10.2020 for dismantling old and obsolete structure which is not functioning from the last 18 years within a period of four weeks from the date copy of this order is made available to the respondents by the petitioner."

Whereas, in compliance to the Hon'ble High Court directions dated 30-06-2021 passed in WP(C) No. 1248/2021, titled M/s. Ranson Industries Pvt. Ltd Vs UT of J&K and Ors, the application dated 12-10-2020 of petitioner namely Shri Amar Nath Bhargav was examined/considered and was rejected on the ground that Sh. Amar Nath Bhargav was no more a Licensee of M/s. Ranson Industries on the date (on account of acceptance of dissolution deed by the Excise Commissioner) when representation was made by Mr. Amar Nath Bhargav (Ex-Licensee), as the request for removal of non-functional



plant and machinery from the Licensed premises can only be considered from the existing Licensee.

Whereas, the petitioner namely Shri Amar Nath Bhargav filed another Writ petition bearing No. 26/2022, titled Amar Nath Bhargav Vs UT of J&K and Others against the Rejection Order dated 21/10/2021 passed by the Excise Commissioner.


Whereas, the above titled writ petition was listed for consideration before the Hon'ble High Court on 14.01.2022, and the Hon'ble Court after hearing passed the order dated 14.01.2022. The relevant part of the said order is reproduced as under:

"In the meantime, subject to objections from the other side and till next date of hearing before the bench, the respondent may consider the representation of the petitioner, if any, moved and take appropriate decisions in accordance with law."

Whereas, the Authorized Signatory of M/s Ranson Industries Pvt. Ltd Gangyal, Jammu vide dated 14-01-2021 has represented that as per Rent Agreement, old ENA plant belongs to Mr. Amar Nath Bhargav and he has no objections, if permission for dismantling of old distillation plant is granted and as the plant is existence in the factory premises has no significance owing to the fact that it is nonfunctional and fully damaged due to rust.

Whereas, authorized signatory for Ranson industries had also filed a representation dated 24-01-2022 in the Excise Department, wherein it has been requested that the Distillation plant was erected in 1984 in the factory premises and the same is not operational for the last 20 years when import of molasses was stopped which was previously operational when there was bulk supply of raw material i.e. molasses for manufacture of rectified spirit and ENA. At present the Licensee in importing finished spirit from outside the state for bottling of IMFL and JK Special Whiskey.

Whereas, a report regarding current status of unit was received from Deputy Excise Commissioner (Distilleries) Jammu vide No. DECEJ/262 dated: 28-04-2022, who after conducting physical verification of M/s. Ranson Industries, Gangyal submitted that the distillation plant of M/s. Ranson Industries, Gangyal had ceased to function w.e.f. January, 2000 and since then the only activity being performed in the unit is bottling of Liquor through import of ENA/spirit from outside J&K, and that the machinery

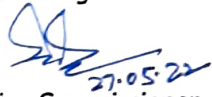



installed in the distillation plant has corroded and damaged due to prolonged non-use and has no role in the functioning of unit and accordingly recommended for dismantling of distillation plant.

NOW, THEREFORE, in Compliance to Hon'ble High Court Order dated 14-01-2022 passed in WP(C) No. 26/2022, titled Amar Nath Bhargav Vs UT of J&K and Others, and in light of the facts that the current Licensee has now consented with the plea of Petitioner that the old distillation plant which otherwise also in the ownership of the petitioner namely Shri Amar Nath Bhargav, considered and decided to allow the petitioner to remove/dismantle the old distillation plant from the land of the petitioner under the close supervision of Committee to be constituted by the Deputy Excise Commissioner (Distilleries) Jammu so that the existing bottling setup of M/s. Ranson Industries Pvt. Ltd at Gangyal, Jammu is not damaged.

No: EC/Ly-1/1697-99

Date: 27-05-2022


27.05.22
Excise Commissioner

 J&K, Jammu.

Copy to:

1. The Deputy Excise Commissioner (Distilleries) Jammu for information & necessary action.
2. Shri Amar Nath Bhargav S/o. Shri Dogar Nath Bhargav R/o. 1-A C/C, Gandhi Nagar, Jammu.
3. Shri Surjeet Singh Licensee of M/s Ranson Industries Pvt.Ltd.