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

Date of Decision: 20th February, 2023

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W.P.(C) 1777/2023

SAMAIRA JEWELS PVT. LTD & ORS. Petitioners

Through: Mr. Kamal Sethi, Advocate. (M:
9711747766)

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Santosh Tripathi, SC (civil)
GNCTD with Mr. Arun Panwar and
Ms. Mehak Rankawat, Advs. (M:
9818112250)

25

WITH

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W.P.(C) 17279/2022 and CM APPL. 54925/2022

NEELAM AGGARWAL & ORS. Petitioners

Through: Mr. Vipin Garg, Mr. Abhishek
Aggarwal, Mr. Kartik Mittal and Mr.
Vaasu Bhasin, Advocates. (M:
9910018993)

versus

GOVERNMENT OF NATIONAL CAPITAL
OF DELHI & ORS. Respondents

Through: Mr. Santosh Tripathi, SC (civil)
GNCTD with Mr. Arun Panwar and
Ms. Mehak Rankawat, Advs.
Mr. Tushar Sharma and Mr.
Aditya Laroyia, Advs. for R-3.

26

WITH

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W.P.(C) 131/2023

LOKESH SHARMA Petitioner

Through: Mr. Sudhir Vats, Advocate. (M:
9811053663)

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Santosh Tripathi, SC (civil)
GNCTD with Mr. Arun Panwar and
Ms. Mehak Rankawat, Advs.

27

WITH

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W.P.(C) 429/2023 and CM APPL. 1706/2023
SAHIL ARORA

..... Petitioner

Through: Mr. Sudhir Nandrajog, Senior
Advocate with Mr. Ujjawal Anand
Sharma, Mr Prashant Sivarajan, Mr
Saharsh Jauhari, Mr. Justine George
& Mr. Surya Kiran Singh, Advocate.
(M: 9910173226)

versus

COMMISSIONER OF EXCISE, ENTT. AND LUXURY GOVT. OF
NATIONAL CAPITAL TERRITORY OF DELHI
AND ORS.

..... Respondents

Through: Mr. Santosh Tripathi, SC (civil)
GNCTD with Mr. Arun Panwar and
Ms. Mehak Rankawat, Advs.
Mr. Tushar Sharma and Mr.
Aditya Laroyia, Advs. for R-3.

28

WITH

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W.P.(C) 1157/2023 and CM APPL. 4477/2023
PRADEEP KUMAR & ANR.

..... Petitioner

Through: Mr. Vipin Garg, Mr. Abhishek
Aggarwal, Mr. Kartik Mittal and Mr.
Vaasu Bhasin, Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL OF DELHI
THROUGH CHIEF SECRETARY & ORS.

..... Respondents

Through: Mr. Santosh Tripathi, SC (civil)
GNCTD with Mr. Arun Panwar and
Ms. Mehak Rankawat, Advs.
Mr. Tushar Sharma and Mr.
Aditya Laroyia, Advs. for R-3.

29

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WITH
W.P.(C) 1180/2023 and CM APPL. 4521/2023
DARSHAN LAL Petitioner
Through: Mr. Vipin Garg, Mr. Abhishek Aggarwal, Mr. Kartik Mittal and Mr. Vaasu Bhasin, Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL OF DELHI
THROUGH CHIEF SECRETARY & ORS. Respondents
Through: Mr. Santosh Tripathi, SC (civil) GNCTD with Mr. Arun Panwar and Ms. Mehak Rankawat, Advs.
Mr. Tushar Sharma and Mr. Aditya Laroyia, Advs. for R-3. (M: 9873539952)

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WITH
W.P.(C) 1187/2023 and CM APPL. 4547/2023
RAVINDER SUKHIJA & ORS. Petitioners
Through: Mr. Vipin Garg, Mr. Abhishek Aggarwal, Mr. Kartik Mittal and Mr. Vaasu Bhasin, Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL
OF DELHI & ORS. Respondents
Through: Mr. Santosh Tripathi, SC (civil) GNCTD with Mr. Arun Panwar and Ms. Mehak Rankawat, Advs.
Mr. Tushar Sharma and Mr. Aditya Laroyia, Advs. for R-3.

31

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WITH
W.P.(C) 1223/2023 and CM APPL. 4655/2023
SURESH KUMARI MANCHANDA & ORS. Petitioners
Through: Mr. Vipin Garg, Mr. Abhishek Aggarwal, Mr. Kartik Mittal and Mr. Vaasu Bhasin, Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL OF DELHI
THROUGH CHIEF SECRETARY & ORS. Respondents
Through: Mr. Santosh Tripathi, SC (civil)
GNCTD with Mr. Arun Panwar and
Ms. Mehak Rankawat, Advs.
Mr. Tushar Sharma and Mr.
Aditya Laroyia, Advs. for R-3.

32

WITH

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W.P.(C) 1224/2023 and CM APPL. 4657/2023

KIRAN BALA & ORS. Petitioner

Through: Mr. Vipin Garg, Mr. Abhishek
Aggarwal, Mr. Kartik Mittal and Mr.
Vaasu Bhasin, Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL OF DELHI
THROUGH CHIEF SECRETARY & ORS. Respondents
Through: Mr. Santosh Tripathi, SC (civil)
GNCTD with Mr. Arun Panwar and
Ms. Mehak Rankawat, Advs.
Mr. Tushar Sharma and Mr.
Aditya Laroyia, Advs. for R-3.

33

WITH

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W.P.(C) 1225/2023 and CM APPL. 4659/2023

RAJESH BHATIA & ANR. Petitioners

Through: Mr. Vipin Garg, Mr. Abhishek
Aggarwal, Mr. Kartik Mittal and Mr.
Vaasu Bhasin, Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL OF DELHI
THROUGH CHIEF SECRETARY & ORS. Respondents
Through: Mr. Santosh Tripathi, SC (civil)
GNCTD with Mr. Arun Panwar and
Ms. Mehak Rankawat, Advs.

Mr. Tushar Sharma and Mr.
Aditya Laroyia, Advs. for R-3.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. The present set of petitions have been filed by the Petitioners seeking de-sealing of their properties which were sealed by the Department of Excise, GNCTD due to non-payment of licence fees by their Lessee/Tenant, Respondent No.3- Popular Spirits LLP. The Petitioners further seek directions to the Respondents to dispose of the stocks lying in their properties as also vacant and peaceful possession of their properties.
3. The Petitioners are the owners of the properties which are detailed below:

S. No.	Writ Petition(C)	Cause Title	Address
1.	W.P.(C) 17279/2022	<i>Neelam Aggarwal & Ors. Vs. GNCTD & Ors.</i>	Shop Nos. 101, 102, 103-A, 103-B, 105, 106, 107,109 & 110 GF, Dawars Janak Market, LSC, Plot-5, C-1 Block Janakpuri, New Delhi-110058
2.	W.P.(C) 131/2023	<i>Lokesh Sharma Vs. GNCTD & Ors.</i>	Nos. 5&6, GF, Ashoka (Main) Park, Rohtak Road, Delhi-110035
3.	W.P.(C) 1157/2023	<i>Pradeep Kumar & Anr. Vs. GNCTD & Ors.</i>	B-1, East Baldev Park near Tikona Park, Parwana Road, Delhi-51
4.	W.P.(C)	<i>Darshan Lal Vs.</i>	Property No. 11/51, Geeta

	1180/2023	<i>GNCTD & Ors.</i>	Colony, Delhi-110031
5.	W.P.(C) 1187/2023	<i>Ravinder Sukhija & Ors. Vs. GNCTD & Ors.</i>	Property No.5&6, Bhagat Singh Road, Satnam Park Chander Nager, Delhi-110051
6.	W.P.(C) 1223/2023	<i>Suresh Kumari Manchanda & Ors. Vs. GNCTD & Ors.</i>	Built up Property No. 5/1/4, Geeta Colony, Delhi-110031
7.	W.P.(C) 1224/2023	<i>Kiran Bala & Ors. Vs. GNCTD & Ors.</i>	53-A, 54,55&61 Main Patparganj Road, Khajuri Khas, Delhi-110051
8.	W.P.(C) 1225/2023	<i>Rajesh Bhatia & Anr. Vs. GNCTD & Ors.</i>	3536-A/5, Plot No. 5/9 Raja Park, Shakur Basti, Delhi-110034
9.	W.P.(C) 1777/2023	<i>Samaira Jewels Pvt. Ltd & Ors. Vs. GNCTD & Ors.</i>	G26,27,28,29,30 (GF) Westend Mall, District Centre Janakpuri, New Delhi-110058

4. The case of the property owners is that their premises were let out to Respondent No.3- M/s. Popular Spirits LLP, which was a license holder under the now scrapped Excise Policy which was valid till 31st August, 2022. M/s Popular Spirits had taken all these properties on rent for running licensed wine and beer shop. The terms and conditions of the agreements between the property owners and M/s Popular Spirits are different. However, a common order is presently being passed as the directions being passed today, would be common to all the writ petitions.

5. The case of all the Petitioners is that their properties have been sealed by the Excise Department owing to the fact that M/s Popular Spirits did not pay the entire excise amount which was due to the Department. The property

owners pray for de-sealing of their properties.

6. It is common consensus between the parties that M/s Popular Spirits did not have an excise license as of 31st August, 2022 for sale of liquor and the properties had been sealed prior to the said date.

7. Orders have been passed from time to time in all these matters on different dates and the sum and substance of these orders is that the Petitioners cannot be made to suffer due to the dispute between M/s Popular Spirits and the Excise Department. The Petitioners are property owners who have given their properties on rent to M/s Popular Spirits and are in fact not stated to have received rent for the last several months. Ld. Counsels for the Petitioners also point out that the owners are being saddled with electricity and other dues as well.

8. As per the submissions made by Id. Counsels, the said firm M/s. Popular Spirits, has the following three partners:

- i. Mr. Sahil Arora – 30%, with capital contribution of Rs.50,000/-
- ii. Mr. Ram Diya - 45%, with capital contribution of Rs.6.50 crores
- iii. Mr. Mohit Singh - 25%, with capital contribution of Rs.50,000/-

9. On 19th December, 2022, the Court had passed the following order in ***W.P.(C) 17279/2022*** titled ***Neelam Aggarwal v. Government of National Capital of Delhi:***

*8. Heard. This Court has noticed that in an earlier writ petition as well, the property owner had approached this Court in **W.P.(C) 16554/2022** titled **Kailash Budhiraja & Ors. v. Commissioner of Excise & Anr.**, for a premises in Jagat Puri, concerning the same issue of pendency of excise dues of M/s Popular Spirits. The demised premises in the present case is in Janak Puri. Considering these facts, the partners of M/s Popular*

Spirits, namely, Mr. Sahil Arora and Mr. Ram Diya are directed to be present in Court on the next date of hearing.

9. Copy of the present order shall be served by the Excise Authorities upon Respondent No.3 and Mr. Sahil Arora and Mr. Ram Diya, through the SHO of the concerned area.

10. On 31st January, 2023, the Court had passed the following order in **W.P(C) 1157/2023** titled **Pradeep Kumar v. Government of National Capital of Delhi** and connected matters:

2. These are petitions where the owners of the various properties seek de-sealing of their premises which was taken on rent by M/s Popular Spirits LLP.

3. Issue notice to all the Respondents.

4. Notice is accepted by Id. Counsel on behalf of GNCTD and Department of Excise, GNCTD.

5. There are other similar matters which this Court has already entertained and notice has been issued. Accordingly, list these matters on 20th February, 2023.

6. **On the said date, partners of M/s Popular Spirits LLP i.e. Mr. Sahil Arora, Mr. Ram Diya and Mr. Mohit Singh shall remain present in Court. All the said partners shall be served through their e-mail addresses - sahilarora5189@gmail.com, surendra.raai54@gmail.com and dddmohit@yahoo.com.**

11. Pursuant to the orders of this Court, Mr. Sahil Arora and Mr. Ram Diya are present in Court today. However, Mr. Mohit Singh, who was served by email, is not present. It is submitted by Id. Counsels for other two partners, which is confirmed by the other two partners, that Mr. Mohit Singh is aware of these proceedings and is avoiding appearance before the Court. In view of these facts, let bailable warrants for a sum of Rs.25,000/- with

one surety be issued against Mr. Mohit Singh at his addresses S-363, First Floor, Greater Kailash-II, New Delhi as also at his residential address at Jathari (66), PS Rai, Sonipat, Haryana. The said notices shall be served by the Petitioners through the PS Greater Kailash – II and PS Rai.

12. In addition, the Registry of this Court shall also serve copy of today's order on Mr. Mohit Singh at his mobile number 9991331999. It is made clear that if Mr. Mohit Singh chooses not to appear before this Court, the Court would be constrained to take coercive steps in this regard or take an adverse inference.

13. Mr. Ram Diya, upon a query from the Court, submits that the total purchase price of the stock which is lying in these retail vents is approximately Rs.10 crores and the retail selling price of the entire stock would be over Rs.24 crores.

14. In view of the fact that the retail vents have been sealed for a long duration and no amount of rent is being paid on monthly basis to the owners, it is deemed appropriate to direct as under:

- i. The concerned officials of the Excise Department under the supervision of an Asst. Commissioner of Excise shall de-seal each of the properties in the following manner:

S. No.	Address	Date for De-sealing and preparation of Inventory
1	Shop Nos. 101,102,103-A, 103-B, 105,106,107,109 & 110 GF, Dawars Janak Market, LSC, Plot-5, C-1 Block Janakpuri, New Delhi-110058	23 rd -24 th February, 2023
2	Nos. 5&6, GF, Ashoka (Main) Park, Rohtak Road, Delhi-110035	27 th -28 th February, 2023
3	B-1, East Baldev Park near Tikona Park, Parwana Road, Delhi-110051	2 nd -3 rd March, 2023
4	Property No. 11/51, Geeta Colony, Delhi-110031	6 th -7 th March, 2023
5	Property No.5&6, Bhagat Singh Road, Satnam Park Chander Nager, Delhi-110051	9 th -10 th March, 2023
6	Built up Property No. 5/1/4, Geeta Colony, Delhi-110031	13 th -14 th March, 2023
7	53-A, 54,55&61 Main Patparganj Road, Khajuri Khas, Delhi-110051	16 th -17 th March, 2023
8	3536-A/5, Plot No. 5/9 Raja Park, Shakur Basti, Delhi-110034	20 th -21 st March, 2023

9	G26,27,28,29,30 (GF) Westend Mall, District Centre Janakpuri, New Delhi-110058	23 rd -24 th March, 2023
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- ii. Inventories shall be prepared under the supervision of the Asst. Commissioner with the help of his team in the concerned areas. A comprehensive status report shall be filed after an inspection is conducted by the Asst. Commissioner.
- iii. Upon the inventories being prepared, the entire stock of the liquor found at each premises shall be transferred to a warehouse identified by Mr. Ram Diya, or M/s Popular Spirits LLP which shall be identified within 7 days. It is clarified that the maintenance and other payments *qua* the properties shall be borne by M/s Popular Spirits LLP, at this stage, since majority ownership of the profit and loss in the firm is of Mr. Ram Diya. The payment by Mr. Ram Diya by himself or on behalf of the firm, M/s Popular Spirits LLP would be subject to further orders of this Court.
- iv. If Mr. Ram Diya or M/s Popular Spirits LLP does not identify a warehouse for stocking of the inventoried liquor, the Excise Department shall make its arrangements for the storage of the stock and file the expense statement of such warehouse, on the next date of hearing.
- v. Upon the stock being transferred to the destination warehouse, the same shall be sealed by the Assist. Commissioner and a complete inventory shall be placed before this Court. The

inventory shall be placed shall be in a tabular form with the quantity and monetary value of the liquor found at each of the premises of the Petitioners separately mentioned.

- vi. During the inventory preparation, the Petitioners, who are the property owners, shall be present so as to ensure that the inventory is prepared in a fair and transparent manner.
- vii. The partners of M/s Popular Spirits LLP or their representatives may also be present at the time of preparation of inventory and transfer of stock.
- viii. Upon the inventories from each of the premises being prepared and the stock being moved to the destination warehouse, the properties of the Petitioners shall be de-sealed by the Excise Department.

15. Let the entire stock inventory be placed before this Court on the next date of hearing.

16. Due to the apprehension expressed by the Petitioners, who are the owners of the properties concerned, regarding non-payment of electricity/other dues, it is directed that bills, if any, of all the authorities which have been raised *qua* the said properties shall be placed on record by the Petitioners as also by M/s Popular Spirits LLP.

17. No coercive action shall be taken by any authority till the next date of hearing in respect of electricity or water connection or any other dues in respect of the liquor vends which are leased out to M/s. Popular Spirits. Upon the stock being moved, possession of the properties shall be handed over to the concerned Petitioners. List on 19th April, 2023.

W.P.(C) 429/2023 & CM APPL. 1706/2023

18. Mr. Sahil Arora and Mr. Ram Diya are present in Court. Bailable warrants have already been issued *qua* the third partner Mr. Mohit Singh. Since the issues raised in this petition relate to the stocks of M/s Popular Spirits LLP and other consequential reliefs, it is deemed appropriate to adjourn this matter to the next date of hearing.

19. Ld. counsel appearing for Mr. Ram Diya submits that he has lodged an FIR being ***FIR No.131/2022*** with the EOW, Delhi Police on 1st September, 2022.

20. Mr. Nandrajog, Id. Counsel submits that a settlement has been arrived at between the parties of the firm dated 18th November, 2022.

21. These issues concerning the partners of M/s Popular Spirits LLP and the stocks thereof shall be considered on the next date of hearing.

22. List on 19th April, 2023.

**PRATHIBA M. SINGH
JUDGE**

FEBRUARY 20, 2023

dk/dj/sk