

IN THE COURT OF Ms.CHINAR BAGHLA, CIVIL JUDGE (JUNIOR DIVISION), AMBALA. (UID No. HR00570)

Civil Suit *CIS No.716 of 2023*

Date of Filing of application: 03.07.2024

Date of Order:19.11.2024

Application under Order 7 Rule 11 CPC for rejection of plaint.

Present:- Sh. Amandeep Singh, GP for applicant-defendants.
Sh. Tejinder Mohan Liberhan, Advocate for
respondent/plaintiffs.

ORDER

This order of mine shall dispose of the application filed under Order 7 Rule 11 of CPC for rejection of the plaint filed by the applicant/defendants.

2. It has been submitted on behalf of applicants/defendants that the plaint in the present suit deserves to be rejected as Section 57 of the Punjab Excise Act,1914 specifically bars the entertainment of any suit or other proceedings by the Civil Court for any damages, remissions or compensations on the ground that any loss is sustained by withdrawal or amendment of the licence, permit and pass. In the present case, the licence L-I of the plaintiff/respondent was cancelled by the applicants/defendants No.2 and a penalty of Rs.6,80,000/- was imposed under Section 72 (e) of the Punjab Excise Act, 1914. It has been further submitted that the plaintiff/respondent has challenged the imposition of the said penalty in the present suit. Hence the present application.

3. In its reply, it has been submitted by the respondent/plaintiff that Section 57 of the Punjab Excise Act, 1914 has no application to the

(Chinar Baghla)
CJ(JD), Ambala

facts of the present case as the plaintiff has not claimed any damages for any act of the defendants rather the plaintiff has challenged the wrongful order of imposition of penalty and the forfeiture of the security amount. It has been further submitted that the licence L-I of the plaintiffs was never cancelled rather only a penalty has been imposed and the security amount has been ordered to be forfeited. Therefore, Section 72 clause (e) has no application to the facts of the given case. Therefore the present application should be dismissed.

4. I have heard both the parties at length and have gone through the case records carefully.

5. A careful perusal of the case records reveals that order dated 16.03.2023 passed by defendant No.2 has imposed a penalty on the plaintiffs for violating the provisions of Haryana Liquor Licence Rules, 1970 and the security amount of the plaintiff has been ordered to be forfeited under the said order. It is the contention of the applicants/defendants that the present suit is barred under Section 57 of the Punjab Excise Act, 1914. For the effective disposal of the application in Section 57 of the Punjab Excise Act, 1914 is reproduced as under:

“Section 57. Bar of suits. Act (1) no suit or other proceedings shall be entertained or continued in any Civil Court against withdrawal or amendment of licence, permit and pass for any damages, remissions or compensations on the ground that any loss is sustained by the withdrawal or amendment thereof.”

(Chinar Baghla)
CJ(JD), Ambala

6. The aforementioned provision of the Punjab Excise Act, 1914 clarifies that the jurisdiction of the Civil Court is barred against withdrawal or amendment of a licence, permit and pass for any damages, remissions or compensations. Whereas the present suit has been filed by the plaintiffs for seeking relief of declaration of the effect that the notice dated 01.03.2023 and the order dated 16.03.2023 are wrong illegal and null and void with a consequential relief of permanent injunction restraining the defendants from recovering the amount of penalty by coercive means and from withholding the security amount. Therefore, the present case does not pertain to any suit or proceeding in relation to withdrawal or amendment of the licence/permit and pass. Hence, the present suit is not hit by the provision of Section 57 of Punjab Excise Act, 1914 and the Civil Court has all the jurisdiction to adjudicate upon the present suit.

7. In the light of the foregoing decision, the application in hand stands dismissed and disposed of accordingly.

Pronounced On.
19.11.2024

(Chinar Baghla)
Civil Judge(Jr.Divn), Ambala.
(UID No. HR00570)

Note: All three (3) pages of this Order have been checked and signed by me.

(Chinar Baghla)
Civil Judge(Jr.Divn), Ambala.
(UID No. HR00570)

Joginder SG-II

(Chinar Baghla)
CJ(JD), Ambala

Present:- Sh. Tejinder Mohan Liberhan, Advocate for plaintiffs.
Sh. Amandeep Singh, GP for defendants.

Argument heard. Order pronounced. Vide my separate order of even date, the application in hand stands dismissed and disposed of accordingly. Now to come up on **20.12.2024** for filing written statement and reply to injunction application on behalf of defendants.

Pronounced On.
19.11.2024

(Chinar Baghla)
Civil Judge(Jr.Divn), Ambala.
(UID No. HR00570)

Joginder SG-II

(Chinar Baghla)
CJ(JD), Ambala