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GOVERNMENT OF KERALA

Abstract

Taxes Department – Excise – Constitution of One Man Commission for recommending parameters for formulating future Abkari Policy – Justice Sri. M. Ramachandran, Retired High Court Judge appointed as Commission - Orders issued.

Taxes (G) Department

G.O. (Ms) No.12/2013/TD.

Dated, Thiruvananthapuram, 23-01-2013.

Read:- 1. Judgment dated 27-07-2012 of the High Court of Kerala in W.A. No.470/2012 and connected cases.

2. Interim Order dated 19-09-2012 of the Hon'ble Supreme Court of India in SLP (C) Nos.26241-26243/2012.

ORDER

As per the judgment read as 1st paper above, the Hon'ble High Court struck down the amendments brought by the Government, to implement the measures announced in the Abkari Policy for the year 2011-2012, in the FL Rules – vide G.O.(P) No.192/2011/TD dated 09-12-2011 published as Extra ordinary Notification No. S.R.O. No. 779/2011 dated 09-12-2011 and G.O.(P) No.48/2012/TD dated 27-03-2012 published as Extra ordinary Notification No.S.R.O. No.202/2012 dated 27-03-2012, holding that the amendments were arbitrary, discriminatory and violative of Article 14 of the Constitution. Government have preferred SLP before the Supreme Court against the above judgment. The Hon'ble Supreme Court directed to dispose of the connected applications within a time frame of 8 weeks and steps are being taken accordingly. Taking stock of the situation, in implementation of the present Abkari Policy, in the light of the court decisions, the Government have decided to appoint an One Man Commission to recommend comprehensive changes in the present Abkari Policy, including review of the FL 3 licences already granted. The Government have also taken a conscious policy decision not to grant any more bar licences till such time, the Government consider the recommendation of the Commission and take final policy decision.

2. Hence, Government are pleased to appoint Justice Sri. M. Ramachandran, Retired Judge, High Court of Kerala, 2/A, Sivam, Layam Road, Kochi – 11, as One Man Commission for recommending criteria for comprehensive revision of Abkari Policy and the issue of review of the FL3 licences already granted. Government also order not to grant any more FL3 licences till Government take a policy decision on the recommendations, to be made by the One Man Commission.

3. Orders prescribing the terms of reference of the Commission will be issued separately.

By Order of the Governor,
A. Ajithkumar,
Secretary to Government.

To

1. Justice M. Ramachandran, Retired Judge, High Court of Kerala, 2/A, Sivam, Layam Road, Kochi – 11.
2. The Excise Commissioner, Thiruvananthapuram.
3. The Managing Director, Kerala State Beverages Corporation, Thiruvananthapuram.
4. The Accountant General (A & E / Audit), Kerala, Thiruvananthapuram.
5. Information & Public Relations Department (for wide publicity).
6. The G.A. (SC) Department (vide item No.2916 dated 16-01-2013).
7. S.F. / O.C.

Forwarded / By Order.

[Signature]