

17/12/16
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CIRCULAR

- 4921
- Sub: Abkari – Processing of Application for FL3/FL 11 licences – Monitoring of the validity of Star Classifications Certificate and expiry of other eligibility – reg.
- Ref: Contempt of Court case No. 749/16 filed by Chapri Resorts & Hotels Pvt. Ltd, Kasargod.

In the year 2013, sanction was accorded for the grant of FL 11 licence to a three star classified hotel namely "Neeleswar Hermitage, Chapri Resorts & Hotels Pvt. Ltd., Neeleswaram, Kasargod. But they failed to produce No Objection Certificate from the concerned Municipality. Hence, licence was not issued even though; sanction was accorded for the grant of FL 11 licence. They filed WP (c) No. 9280/13 before the Hon'ble High Court. The Hon'ble High Court in its Judgment dated 18.12.2015 directed to issue FL 11 licence to the Petitioner's hotel considering that they have NOC from the concerned Municipality and if otherwise they are eligible for the FL 11 licence. The Petitioner filed contempt of Court case before the Hon'ble High Court for the non compliance of the impugned judgment. Therefore, Government was constrained to grant sanction for the issuance of FL 11 licence in order to avoid contempt of Court proceedings. But at the time when Government accorded sanction for the grant of licence, the hotel didn't have the eligibility to get the FL 11 licence since the Star Classification Certificate of the hotel had by then expired. If the above facts were intimated in time, the petitioner could not have got the undue benefit from the Hon'ble High Court and the contempt of Court proceedings could have been arrested even before passing orders.

In the above circumstances, whenever the eligibility of the hotel whose application for FL3/FL11 licence is under process expires, all the Deputy Excise Commissioners are directed to report the fact in time to the higher offices where the application is being processed.

The receipt of the circular shall be acknowledged.


For Excise Commissioner.

Copy to:-

All the Joint Excise Commissioners,
All the Deputy Excise Commissioners