

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 18005 of 2023**

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SUDERSUN CHEMICAL PVT LTD & ANR.
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR EKANT G AHUJA(5323) for the Petitioner(s) No. 1,2
MR YH MOTIRAMANI(3720) for the Petitioner(s) No. 1,2
ANGESH PANCHAL AGP for the Respondent(s) No. 1
NOTICE SERVED BY DS for the Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 30/07/2026****ORDER**

1. Heard learned advocate Mr. Moti Ramani for the petitioner and learned AGP Mr. Angesh Panchal for the respondent-State.

2. By way of the present petition, the petitioner has prayed for the following reliefs:

(A) that the Honourable Court be pleased to issue a writ of mandamus and/or certiorari and/or a writ in the nature mandamus and/or certiorari and/or appropriate writ order or direction to quash and set aside:

(i) order dated 6.04.2023 (copy at Annexure-A hereto) passed by respondent no.3 Director, Prohibition and Excise Department, Govt. of Gujarat in proceedings u/s.54(1) of Gujarat Prohibition Act,

1949, and

(ii) order dated 20.07.2023 (copy at Annexure-B hereto) passed by respondent no.2 Deputy Secretary, Home Department, Govt. of Gujarat in petitioners' appeal u / s 137(2) Prohibition Act, 1949. of Gujarat Prohibition Act, 1949

(B) pending the hearing and final disposal of this petition, the Honourable Court be pleased to stay the operation and implementation of-

(i) order dated 6.04.2023 (copy at Annexure-A hereto) passed by respondent no.3 Director, Prohibition and Excise Department, Govt. of Gujarat in proceedings u/s.54(1) of Gujarat Prohibition Act, 1949, and

(ii) order dated 20.07.2023 (copy at Annexure-B hereto) passed by respondent no.2 Deputy Secretary, Home Department, Govt. of Gujarat in petitioners' appeal u/s.137(2) of Gujarat Prohibition Act, 1949.

(C) for exparte ad-interim relief in terms of prayer (B) above;

(D) for costs;

(E) for such other and further relief as the circumstances of case may require.

3. The only ground canvassed by learned advocate Mr. Motiramani at this stage is that, along with the show cause notice issued to the petitioner pursuant to which the exemption came to be revoked, the Forensic Science Laboratory (FSL) report was not supplied to the petitioner at the commencement of the proceedings.

4. Learned AGP Mr. Angesh Panchal could not dispute the aforesaid fact. In fact, he has today tendered a communication addressed to him by the Superintendent of Prohibition and Excise, Vadodara, stating that the FSL report was not furnished to the petitioner along with the show cause notice.

5. In view of the above, learned advocate Mr. Motiramani has submitted that non-supply of the FSL report along with the show cause notice amounts to a violation of the principles of natural justice. Since the aforesaid fact could not be disputed by learned AGP Mr. Panchal, the impugned order dated 06.04.2023, whereby the exemption granted to the petitioner came to be revoked, as well as the appellate order dated 20.07.2023 passed by the Deputy Secretary confirming the same, are hereby quashed and set aside.

6. The respondent authorities are directed to issue a fresh show cause notice to the petitioner along with a copy of the FSL report and thereafter proceed with the matter de novo. The petitioner shall extend full cooperation in the proceedings.

7. It is expected that the fresh show cause notice shall be issued within a period of one month from today, and the proceedings shall be concluded within a period of six months from the date of receipt of the show cause notice by the petitioner.

8. With the aforesaid directions, the present petition stands disposed of.

It is clarified that this Court has not examined the merits of the matter. All rights and contentions of both sides are kept open.

It is further clarified that the impugned orders have been quashed solely on the ground of violation of the principles of natural justice. Therefore, fresh proceedings shall be conducted independently and shall not be influenced by the present order.

BHAVIN MEHTA

(NIRZAR S. DESAI,J)