

ITEM NO.12

COURT NO.6

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 17230/2021

(Arising out of impugned final judgment and order dated 16-09-2021 in WA No. 1174/2021 passed by the High Court Of Kerala At Ernakulam)

ANN BENNY

Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.139632/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 10-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Ms. A. Sregurupriya, Adv.
Mr. K. Parameshwar, AOR
Mr. Prasad Hegde, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Application for exemption from filing c/c of the
impugned judgment is allowed.

The question involved is whether the mere
addition or deletion of a Director can be said to be a
reconstitution of the Board in terms of Rule 19(ii) of
the Foreign Liquor Rules, 1953. The Writ Petition is
pending consideration. Interim stay of the fine imposed
of Rs.3 lakh was not granted against which the appeal

was filed before the Division Bench which was dismissed. Now the petitioner is before this Court.

The order being in the nature of an interim order, normally we would loath to interfere with the same. However, the present case is one requiring a statutory interpretation and *prima facie* the case thus, seems to be made out which is also borne by the *factum* of admission of the petition.

Issue notice.

In the meantime, there shall be stay of the recovery of the fine from the petitioner.

A copy of the order to accompany the notice.

Dasti in addition through the standing counsel.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)