

AMARCHANDRA CHAKRABOTRY V. COLLECTOR OF EXCISE
[1972 AIR 1863 | 1973 SCR (1) 533]

BACKGROUND

This case is widely regarded as a watershed moment in the field of law interpretation. It is one of the most important cases in which the court has made a decision based on the principle of *ejusdem generis*. Following the feature of the applicability of this principle, the principle was defined and developed on. The term '*ejusdem generis*' refers to a theory for understanding legal writings that assumes that when a list of specific terms is accompanied by a general term, that general term is limited to items of the same character as the specific terms.

FACTS

1. The appellant was granted a licence by the Excise Collector to establish a warehouse for storage in bond and wholesale vend of country spirit by import and for supply to the excise vendors in the territory of Tripura on March 13, 1968, for five years commencing April 1, 1968, and ending March 31, 1973.
2. The manner in which the licence was granted was criticised by the Committee of Estimates, as a result of which the Governor of Tripura inserted a rule on July 2, 1970. Fees for a licence for the wholesale vend of country spirit were required to be established by tender-cum-auction under Section 164-A of the Tripura Excise Rules of 1962.
3. Collector of Excise on July 6, 1970, he exercised his authority under section 43 of the Bengal Excise Act, 1909, as amended to include the Union Territory of Tripura, and revoked the appellant's licence after 15 days' notice and a 15-day fee remission.
4. The appellant challenged this under Excise Collector's order in a petition under Article 226 of the Constitution of India.
5. The Judicial Commissioner dismissed the appellant's petition.
6. Inter alia the Judicial Commissioner held that the appellant's licence was in itself invalid as it was granted without public notice as required by the provision to section 22(1) of the Act.
7. The appellant filed a special leave petition in the Supreme Court

ISSUES RAISED

1. Whether the collector has the power to withdraw a license to sell liquor?
2. Whether the words "any cause other than" in section 43 be read ejusdem generis with the clauses mentioned in section 42?
3. Whether Article 14 and Article 19 of the Constitution of India are violated?
4. Whether not giving show cause notice is against natural justice?
5. Whether Grant of licence without public notice is valid under section 22(1) of the Constitution of India?

RULE APPLIED

This case is an exemplary illustration of how the translation of resolutions helps in the conveyance of equity. The appropriateness of various arrangements can be a distinct advantage when the translation is done well.

The main part of this case is the clearness it has given respect to the guideline of ejusdem generis. Its reasonable translation denotes its importance. The appealing party's conflict for the situation was that the understanding of "any reason other than" in Sec 43 had a discretion joined to it which tested the articulation.

On account of Jagdish Chandra Gupta v. Kajaria Traders Ltd, translation of the words "or different procedures" in the expression 'a case of set-off or different procedures to authorize a right emerging from contract' referenced in Section 69 of the Partnership Act, 1932 was talked about. High Court for this situation didn't make a difference the standard of Ejusdem Generis in light of the fact that the first words a case of set-off didn't establish a family. Section 42 empowers the authority granting a licence, permit or pass under the Act to cancel or suspend it subject to such restrictions as may be imposed by the Chief Commissioner. Hence the Collector very well had the power and authority to withdraw the licence.

The court stated that Liquor business cannot be considered under Art.14 as it may be pointed out and this forbids class legislation but reasonable classification does not come within the prohibition. It was thus stated that the Excise authority had reasonable power to make a decision regarding this subject matter.

APPLICATION

The Supreme Court subsequent to considering the real factors held that the Chief Commissioner without a doubt has the ability to give the elite advantage of assembling and selling nation alcohol or "inebriating drugs" as expressed in statements (a) to (e) under area. 22, however for the subsection. (2) of this part explicitly expresses that no assurance of any advantage under subs. (1) will practice it except if or until he has gotten a permit. The court expressed that clearly the Collector is the person who gives the permit. inside the significance of segment. 43, and accordingly it was this official who effectively gave the litigant's permit and who has the power to deny the permit under area. 43.

Concerning the issue of the applicability of the principle of ejusdem generis, the Court stated that the rule of ejusdem generis seeks reconcile the incompatibility between specific and general words. The applicability of this doctrine can be relevant only when

- (1) The said statute contains an enumeration of specific words;
- (2) Subjects of the enumeration constitute either a class or a category;
- (3) Such class or category is not exhausted by an enumeration;
- (4) The said general term follows enumeration and
- (5) Lack of indication of different legislative intent.

By stating the above conditions, the court held that in this case, it is not very clear that the different clauses of section 42 constituted a category or a class. It was stated that the expression in the issue raised by the appellant 'any cause other than in section. 43(1) cannot be considered ejusdem generis with the causes specified in clauses (a) to (g) of Section 42(1).

Pertaining to the issue of violation of Article 14 the Court held that liquor Trade and business in the country owing to its inherent nature has always been treated as a special category requiring legislative control as per the law which has been in force in the whole of India since decades. The court held that in view of its injurious effect on health due to its overconsumption this trade or business is treated as a class by itself and it does not come under the purview of article 14 ruling out the possibility of violation of Article 14.

Concerning the issue of regular equity, the court held that the request which was dated July 6, 1970, can't be contended on the ground that a show-cause notice was not given subsequently was against normal equity. The court expressed that the substance of this request show that the

appealing party had plentiful chance of showing cause against the aim of the Collector to pull out the permit from September 1, 1970. The court thus held that this can't be considered to abuse any rule of regular equity.

Concerning area 22(1), the Court held that the public notification under segment. 22(1) is a condition point of reference to the award of the select advantage of selling alcohol. The court added that the hidden arrangement of the segment doesn't appear to permit a particularly significant make a difference to be chosen in the mystery of office without giving it exposure. Inability to give such open notification was hence appropriately considered by the Judicial Commissioner to be deadly to the award of the selective advantage to the appealing party.

The appeal was dismissed.

CONCLUSION

Vagueness is unavoidable in legal disputes. Given the intricacy of realities and covering of standards and arrangements, cases regularly get trapped in vulnerability in this manner making conveyance of equity either deferred or defective. The appellants or the respondents might need to go to the upper courts again taking into account disappointment with the judgment. To save this time, Interpretation of Statutes helps in eliminating the uncertainty in understanding the genuine significance which presents the object of acts passed by the public authority. It is the obligation of the legal executive to decipher the reason for arrangements and use them to grant equity and reasonableness. This case is an exemplary illustration of the legal executive giving a distinctive comprehension of the relevance of significant standards, segments and articles.