

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Big S Liquor  
Neeraj Diwan, Permittee  
Backer: Diwan Liquors LLC  
Permit No. LIP.14492

Docket No. 10-1387  
Case No. 2009-5549  
November 30, 2010

**MEMORANDUM OF DECISION**

This matter involves a package store permit issued to Big S Liquor, 71-73 Pratt Street, Meriden, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on October 28, 2010. Proper notice of the hearing was provided; however, the Respondent failed to appear. The record was held open until November 4, 2010, for the submission by Thomas Richter of any further documentation concerning an alleged unpaid debt to BSL Enterprises LLC.

The following charges are alleged against the Respondent. It is alleged that on or about July 17, 2010, the respondent violated (1) Sec. 30-76 of the Connecticut General Statutes by purchasing alcohol for resale from unauthorized sources and (2) Sec. 30-47(1) of the Connecticut General Statutes in that the respondent is financially irresponsible and neglects or is unable to pay its just debts.

These allegations came to the department by way of a special investigation conducted by the Department of Consumer Protection's Liquor Control Division as a result of a complaint alleging the purchase of alcohol from unauthorized sources and alleging of financial irresponsibility.

Based upon the testimony and documents, we find the following facts: On July 17, 2010, liquor control agents conducted a special investigation at Big S Liquor. Sameer Diwan, the permittee's brother who was in charge of the premises at that time, confirmed that Big S Liquors had not purchased alcohol from liquor distributors since May 2010 because of outstanding obligations to the distributors. Sameer Diwan purchased Natural Ice, Coors Light and Corona beer from two retail package stores in Wallingford for resale at Big S Liquors. He paid cash and did not have receipts. We find that Big S Liquors owes the following amounts to Connecticut liquor distributors for product delivered to Big S Liquors:

Connecticut Distributors	\$ 24,845.27
Hartley & Parker LTD	21,871.22
Brescome Barton, Inc.	21,805.23
Slocum and Sons	2,524.00
Dichello Distributors	38,937.23
G & G Beverage	21,688.38
Star Distributors	23,338.60
Ace Distributing	1,767.50
Eder Bros., Inc.	7,474.82

These obligations total \$164,271.25. They are just debts and are directly attributable to the operation of this package store.

This premises was purchased by the backer, Diwan Liquors LLC from the prior backer, BSL Enterprises LLC, on October 30, 2008. As part of this transaction, BSL Enterprises LLC provided purchase money financing by means of two commercial promissory notes totaling \$200,000. As of November 3, 2010, the unpaid balance on the first note is \$151,909.15 and the unpaid balance on the second note is \$51,787.70. These are just debts and are directly attributable to the operation of this package store.

Based upon the evidence adduced, the Respondent is found in violation of Sec. 30-76 of the Connecticut General Statutes by purchasing alcohol for resale from unauthorized sources and Sec. 30-47(1) of the Connecticut General Statutes in that the respondent is financially irresponsible and neglects or is unable to pay its just debts.

The Liquor Control Act grants the Liquor Control Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit after a hearing. Balog v. Liquor Control Commission, 150 Conn. 473, 191 A.2d 20 (1963). This power to suspend or revoke a liquor permit is exercised conservatively, but mindful that dispensing liquor is a privilege, not a right. Beckanstin v. Liquor Control Commission, 140 Conn. 185, 99 A.2d 119 (1953). We find Neeraj Diwan and Diwan Liquors LLC to be financially irresponsible and neglect or are unable to pay their just debts. We find Neeraj Diwan and Diwan Liquors LLC unsuitable to hold a liquor permit in Connecticut. Therefore, we hereby **ORDER** the respondent's package store permit **revoked immediately** in accordance with § 30-6-A8(c) of the Regulations of Connecticut State Agencies.

**DEPARTMENT OF CONSUMER PROTECTION**  
**LIQUOR CONTROL COMMISSION**  
BY:

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Elisa A. Nahas, Esq.  
Designated Presiding Officer

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Angelo J. Faenza, Commissioner

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Stephen R. Somma, Commissioner

**Parties:**

**Neeraj Diwan, 788 Migeon Avenue, Torrington, CT 06790-4521**

**(Via US Mail and Certified Mail # 7010 0780 0000 5441 7880)**

**Neeraj Diwan, Permittee, Big S Liquor, 71-73 Pratt Street, Meriden, CT 06450**

**(Via US Mail and Certified Mail # 7010 0780 0000 5441 7897)**

**Non-Parties:**

**John Suchy, Director, Liquor Control Division**

**Connecticut Beverage Journal**

**Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106**

**Peter Berdon, Esq., Berdon, Young and Margolis, 132 Temple Street, New Haven, CT 06510**

**Thomas Richter c/o Dennis A. Ceneviva, Esq., 816 Broad Street, Suite 10, Meriden CT 06450**