

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:** )

Durg Vijay, LLC )  
t/a Duet )

Applicant for Renewal of a )  
Retailer's Class CR License )

at premises )  
601 2nd Street, NE )  
Washington, D.C. 20002 )

Case No.: 19-PRO-00069  
License No.: ABRA-110804  
Order No.: 2019-536

Durg Vijay, LLC, t/a Duet, Applicant

Mark Eckenwiler, Commissioner, Advisory Neighborhood Commission (ANC) 6C

**BEFORE:** Donovan Anderson, Chairperson  
Mike Silverstein, Member  
James Short, Member  
Bobby Cato, Member  
Rema Wahabzadah, Member

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**ORDER GRANTING REINSTATEMENT OF APPLICATION, AND ON  
SETTLEMENT AGREEMENT AND WITHDRAWAL OF ANC 6C'S PROTEST**

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The Application filed by Durg Vijay, LLC, t/a Duet (Applicant), for renewal of its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 24, 2019, in accordance with D.C. Official Code § 25-601 (2001).

On June 24, 2019, the Board dismissed the Application because the Applicant failed to appear at the Roll Call Hearing. *See* Board Order 2019-507.

On July 2, 2019, Atul Bhola, on behalf of the Applicant, filed a request for reinstatement. Mr. Bhola explained that he and the ANC had entered into an Amendment

to Settlement Agreement which resolved the concerns between the Parties. Mr. Bhola seeks the reinstatement of his Application so that the license can be renewed. On July 2, 2019, ANC 6C filed a response to Applicant's Motion for Reconsideration supporting the Applicant's request for reinstatement.

Upon consideration of this request to reinstate the Application, the Board finds that the Applicant's request constitutes good cause pursuant to 23 DCMR 1602.3.

In addition, the official records of the Board reflect that a previous holder of a Retailer's Class CR license for the premises located at 601 2nd Street, NE, Washington, D.C., entered into a Settlement Agreement with ANC 6C on October 28, 2016, that governs the operation of the Licensee's establishment.

This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated July 2, 2019, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Commissioner Mark Eckenwiler, on behalf of ANC 6C, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 6C of this Application.

Accordingly, it is this 10th day of July, 2019, **ORDERED** that:

1. The Application filed by Durg Vijay, LLC, t/a Duet, for renewal of its Retailer's Class CR License, located at 601 2nd Street, NE, Washington, D.C., is **REINSTATE** and **GRANTED**;
2. The Protest of ANC 6C in this matter is hereby **WITHDRAWN**;
3. The above-referenced Amendment to Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and ANC 6C.

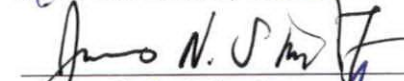
District of Columbia  
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Mike Silverstein, Member



James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

**THIS AGREEMENT** is made and entered into as of this 2nd day of July, 2019 by and between Durg Vijay LLC t/a Duet ("Applicant") and Advisory Neighborhood Commission 6C (hereinafter the "Protestant").

**WHEREAS** Applicant has filed an application with the District of Columbia Alcoholic Beverage Control Board ("ABC Board") to renew class CR license ABRA-110804 ("License") for premises 601 2<sup>nd</sup> Street NE, Washington, D.C.,

**WHEREAS** Applicant is the successor to Gobind LLC t/a Toscana Café, which held predecessor license ABRA-097558 and entered into a settlement agreement ("Agreement") with Protestant on October 28, 2016,

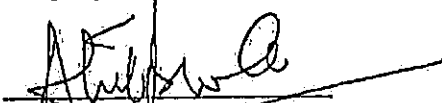
**WHEREAS** on December 7, 2016 the ABC Board approved the Agreement, which binds Applicant and remains in full force and effect, and

**WHEREAS**, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestant's concerns and Protestant will agree to the renewal of the License and withdraw its protest,


The Agreement is hereby amended by inserting the following text at the end of paragraph 3: "At no time shall Applicant operate loudspeakers in the sidewalk café or use any loudspeaker to project sound into the sidewalk café. Likewise, at no time shall Applicant install loudspeakers in the sidewalk café, except as follows: up to two (2) televisions with integral loudspeakers may be installed and maintained in the sidewalk café, provided that the loudspeakers are turned completely off at all times."

IN WITNESS WHEREOF, the parties place their signatures to this agreement, this 2nd day of July, 2019.

Durg Vijay LLC t/a Duet

  
Atul Bhola

Advisory Neighborhood Commission 6C

  
Mark Eckenwiler  
Commissioner, ANC 6C04  
Vice-Chair, ANC 6C  
(as designated ANC 6C representative)