

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10242 of 2015

=====

Heinz India Private Limited			Petitioner/s
Versus			
The State of Bihar & Ors	....	....	Respondent/s

=====

with
Civil Writ Jurisdiction Case No.10243 of 2015

=====

Heinz India Private Limited	....	....	Petitioner/s
Versus			
The State of Bihar & Ors	....	....	Respondent/s

=====

with
Civil Writ Jurisdiction Case No.10244 of 2015

=====

Heinz India Private Limited	....	....	Petitioner/s
Versus			
The State of Bihar & Ors	....	....	Respondent/s

=====

with
Civil Writ Jurisdiction Case No.10245 of 2015

=====

Heinz India Private Limited	....	....	Petitioner/s
Versus			
The State of Bihar & Ors	....	....	Respondent/s

=====

Appearance :
(In all the cases)
For the Petitioner/s : Mr. D.V.Pathy with Mrs. Manju Jha, Advocates
For the Respondent/s : Mr. Vikash Kumar, AC to PAAG

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

Mentioned' at the instance of learned counsels for the parties.

It is pointed out by learned counsel for the petitioner that the order dated 28.7.2015 disposing of the matters had required that the amount of Rs.7 crores shall be refunded to the petitioner within a period of 15 days from the filing of the appeal as the petitioner had been compelled to deposit the entire disputed amount of Rs.12,24,71,773/- on account of unjust action of the authorities, yet even after the passage of more than two months after the filing of appeal on 23.9.2015 the same has not been refunded.

Learned counsel for the State submits that on account of some confusion in the department, the respondents are insisting upon the filing of an application in proper statutory form as according to the authorities the application for refund had to be made in proper statutory form prescribed.

The order of this Court dated 28.7.2015 is crystal clear and it had directed the refund of the amount which clearly is not a statutory refund rather return of the amount coercively realized from the petitioner during the period when the petitioner had statutory remedy for filing of the appeal and getting an order of stay and thus there could be no question of filing any statutory form for getting the refund.

The officers of the department are clearly in contempt of the order dated 28.7.2015 and we are inclined to direct initiation of contempt proceedings against them. However, learned counsel for the State assures us that within a fortnight from today the order is complied without insisting upon the filing of any statutory application by the petitioner.

(Ramesh Kumar Datta, J)

spal/-

(Sudhir Singh, J)

U			
---	--	--	--