

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.48 of 2015

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Pankaj Kumar Singh, son of Sri Yugal Kishore Singh R/O Vill+P.O+P.S-
Dariyapur, Distt.-Saran

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Superintendent of Excise, Excise Department, Saran Chapra
3. The Excise Inspector, Excise Department, Saran Chapra

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Respondent/s : Mr. Vikash Kumar, AC to PAAG

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA**

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

8 01-07-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has come up to this Court praying for
refund of an amount of Rs. 6,15,000/- in all towards security
amount, licence fee and LPL amount.

In the counter affidavit filed on behalf of the State it is
stated that by order dated 28.2.2014 of the Collector, Saran for
violation of the condition of sale notice (year 2013-14) the
licences of the Group No.66 excise shops of the petitioner have
been cancelled.

Learned counsel for the State submits that under Section

42(1)(b) of the Bihar Excise Act a licence may be cancelled if any duty or fee payable by the holder thereof is not paid, which is the ground for cancellation of licence in the present matter as the petitioner has not paid the licence fee for the months of January and February, 2014. It is further submitted that under Section 42(4) of the Act in case of cancellation of a licence, the holder of a licence is not entitled to refund of any fee paid or deposit amount in respect of the same.

On a consideration of the aforesaid facts and submissions it is evident that no refund can be directed to be paid to the petitioner as it is a case of cancellation of a licence by order dated 28.2.2014 of the Collector.

The writ application is, accordingly, dismissed.

In case the petitioner is aggrieved by the order cancelling the licence his remedies lie elsewhere and he may approach the appropriate forum for the said purpose.

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

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