

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11527 of 2014

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Ashish Kumar Sinha, Son of Sri Permanand Sinha, resident of Dr. Narain Prasad Lane, Khajurbanna, P.S.-Sultanganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Member, Board of Revenue, Govt. of Bihar, Department of Revenue and Land Reforms, Patna.
4. The Bihar State Beverage Corporation Limited, a Government of Bihar Undertaking, having its registered office at Eastern Wing, 1st Floor, Vidyut Bhawan-II, Jawaharlal Nehru Marg, Patna- 1 through its Managing Director.
5. The Managing Director, Bihar State Beverages Corporation Limited, having its registered office at Eastern Wing, 1st Floor, Vidyut Bhawan-II, Jawaharlal Nehru Marg, Patna- 1.
6. The General Manager Operation- I, Bihar State Beverages Corporation Limited, having its registered office at Eastern Wing, 1st Floor, Vidyut Bhawan-II, Jawaharlal Nehru Marg, Patna- 1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent-State : Mr. Dharendra Kumar, A.C. to A.A.G.10
For the respondent-Corporation : Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-01-2015

This writ petition is filed as public interest litigation, challenging the alleged action of the respondent- Bihar State Beverage Corporation Limited in refunding to the distributors a sum of about Rs.28 Crores, said to have been realized through enhancement of licence fee at the rate of Rs.3/- per LPL; instead of refunding to the State Treasury.

We pointed out insurmountable objections in this regard. The first is that the order through which the refund is said to have been made is not challenged. The second is that the distributors, who are said to have been paid the amount, are not made parties. When the same is pointed out, learned counsel for the petitioner sought permission to withdraw this writ petition with liberty to the petitioner, to pursue the remedy, in accordance with law.

Permission is accorded.

This writ petition is disposed of as withdrawn with the liberty to pursue the remedy in accordance with law.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(I. A. Ansari, J)

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