

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19780 of 2015

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Hitesh Mehta, Son of Shri Binod Mehta, resident of Salimpur Ahra,
P.S.- Gandhi Maidan, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Rohtas at Sasaram.
4. The Assistant Commissioner of Excise, Rohtas at Sasaram.

.... Respondents

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Appearance :

For the Petitioner : Mr. Satyabir Bharti, Advocate

For the State : Mr. Lalit Kishore, Sr. Advocate (P.A.A.G.)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 27-01-2016

Heard Mr. Satyabir Bharti, learned Counsel,
appearing on behalf of the petitioner, and Mr. Lalit Kishore,
learned Principal Additional Advocate General, appearing on
behalf of the respondents-State of Bihar.

2. Mr. Satyabir Bharti, learned Counsel, appearing on behalf of the petitioner, submits that the case of the petitioner is squarely covered by our decision, dated 14.10.2015, passed in C.W.J.C. No.9230 of 2015 **[Bijay Metal Works Vs. The State of Bihar & Ors.]**.

3. We have perused the pleadings available on the record.

4. Mr. Lalit Kishore, learned Principal Additional Advocate General, appearing on behalf of the respondents-State of Bihar, has not been able to demonstrate any distinction between the case of the present petitioner and the petitioner of aforesaid C.W.J.C. No.9230 of 2015.

5. In view of the submission, as above, this writ application is disposed of in terms of our decision, dated 14.10.2015, passed in C.W.J.C. No.9230 of 2015.

6. We, accordingly, direct the Secretary-cum-Excise Commissioner, Bihar, Patna, to refund the amount of Rs.4,23,99,589/- to the petitioner, which has been deposited by the petitioner, as advance, against first installment of the differential amount between the base rate and the tendered rate. It is further directed to release the bank guarantee of Rs.1,00,00,000/-, said to have been deposited by the petitioner, in pursuance of grant of exclusive privilege for manufacture and supply of country made liquor for the

Sasaram zone. The amount of Rs. 4,23,99,589/- must be paid and the bank guarantee amount of Rs.1,00,00,000/- must be released in favour of the petitioner, in terms of the present judgment and order, within a period of one month from the date of receipt/production of a copy of this judgment and order.

8. It is made clear that if the respondents fail to return the amount, aforementioned, and release the bank guarantee, in the light of present judgment and order, within stipulated period, the petitioner shall be entitled for interest @ 15% per annum, on the due amount, from the date of revocation of its privilege, i.e., 11.09.2014, till actual payment is made.

9. This application stands allowed, accordingly.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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