

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8241 of 2016

=====

1. Subhash Prasad Sah, Son of late Ghateshwar Shah, Resident of Mohalla-Dumaria Bhatta, Basti Kishanganj, P.s. Kishanganj, District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Araria.
4. The Superintendent of Excise, Araria.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate

For the Respondent/s : Mr. Lalit Kishore (AG)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-11-2017

From the material available on record, we find that the amount of deposit made by the petitioner, refund of which is sought for in the writ petition has been granted to the petitioner and, therefore, to the extent of refund of the amount in question, the claim of the petitioner stands satisfied. However, the learned counsel brings to our notice various orders passed not only by this Court but also by the Hon'ble Supreme Court wherein with regard to the amount kept by the State Government interest at the rate of 12% per annum has been awarded and Sri Bharti, learned counsel for the petitioner, submits that the petitioner is also entitled to the



interest as granted in other cases by this Court.

The learned counsel for the State Government points out that the petitioner gave an undertaking in writing that if his claim is allowed, he will withdraw this writ petition. Now interest cannot be awarded.

We are unable to accept the aforesaid contention of the learned counsel for the State Government. Once the State Government has retained the amount which was legally due to the petitioner, interest is liable to be paid on the amount in question as Coordinate Benches of this Court have awarded interest at the rate of 12% per annum. This is only to deny the benefit to the petitioner.

Petitioner is also directed to be paid interest at the rate of 12% per annum for the period in question when the amount is retained by the State Government. The amount of interest be calculated and paid to the petitioner within a period of 60 days.

With the aforesaid observation, this petition is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Harish/-

U			
---	--	--	--

