

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5454 of 2016

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1. Nirmal Kumar Gupta, son of Late Chandeshwar Prasad, resident of Chitkohra Bazar, P.S. Gardanibagh, District- Patna.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Manish Dhari Singh, A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-11-2017 Seeking award of compensation under Rule 146 of the Rules framed under Section 90 of the Bihar Excise Act, 1915, this writ petition has been filed on account of closure of the retail liquor shops of the petitioner for the financial years 1989-90, 1991-92, 1992-93 and 1993-94. During pendency of the matters, respondents had taken action and after some documents supplied by the petitioner, the demand draft for a sum of Rs.22,927/- has been issued to the petitioner vide demand draft dated 04.04.2017.

The learned counsel for the petitioner submits that neither the claim of petitioner, which was the claim for



compensation of Rs.73,007/-, has been settled in accordance with law nor the particulars based on which the calculation of compensation at Rs.22,927/- arrived at are supplied. That apart, it is stated that the interest amount has not been paid. Once during pendency of the matter, the claim of petitioner has been settled in accordance with calculation made by the respondents at Rs.22,927/-, in case the petitioner has any grievance still subsisting, he may raise further claim along with documents in support of the same before the Assistant Commissioner of Excise, Patna (respondent no.4) and the Assistant Commissioner, after examining the claim of petitioner, shall decide it in accordance with law by a speaking order within 60 days.

With the aforesaid observation, this petition stands disposed of.

(Rajendra Menon, CJ)

Harish/-

(Anil Kumar Upadhyay, J)

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