

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3730 of 2014

IN

Civil Writ Jurisdiction Case No. 13572 of 2001

- =====
1. Asha Agrawal, wife of Late Dwarika Prasad Agrawal.
 2. Vikash Agrawal, son of Late Dwarika Prasad Agrawal,
Both R/o Mohalla Chhoti Kalyani Baralane, Kedarnath Road, Police Station
Town, District Muzaffarpur Bihar.

.... Petitioner/s

Versus

1. The Union of India.
2. Mr. N.K. Bhujbal, the commissioner of Central Excise / Custom, Central
Revenue Building, Patna.
3. Mr. K. Ramamurthy, the Deputy/Addl. Commissioner, Customs, Patna Division,
Patna.
4. Mr. Vidyut Vikash, the directorate of Revenue Intelligence, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birju Prasad, Advocate

For the Respondent/s : Mr. Satya Prakash Tripathy, Sr. SC Customs
Mr. Satyavrat, Advocate

For Respondent No.4 : Mr. Devendra Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 06-07-2017

Having heard learned counsel for the parties, it is seen that
CWJC No.13572 of 2001 was disposed of by this Court on 7th
December, 2010 and in para 9, the directions issued after finding
confiscation of the betel-nuts and their sale to be illegal, the direction
was to pay the total cost of Rs.3,50,000/-. The amount paid to the
petitioner after sale of the betel-nuts was only Rs.1,23,415 and



therefore, the respondents were directed to refund to the petitioner remaining sum of Rs.2,26,585/- along with interest calculated at the rate of 12% per annum from the date of seizure till the date of payment of entire amount.

Now, from the show cause filed by the respondents and the detailed affidavit filed therewith and the assertions made in paragraph-7, it is seen that against the order passed in the writ petition, the Department filed Letters Patent Appeal No.813 of 2011 which was decided on 31.08.2012 affirming the order passed in the writ petition and thereafter the amount of Rs.2,26,585/- the principal amount, interest on the amount from the date of seizure, i.e. 12.01.1997 up to the date of payment , i.e. 17.09.2014, 17 years, 8 months and 5 days has been calculated and a total amount of Rs.7,07,368/- has been paid to the petitioner vide Annexure-E dated 18.09.2014. This show cause has been filed by the Department on 16.01.2015 and there is no rebuttal to the same. That apart, this Court is satisfied from the assertions made in the show cause that the entire claim of the petitioner has been settled and now it is not necessary to proceed further in the matter.

Accordingly, the respondents are discharged from the proceedings and the application is disposed of. In case, the petitioners have any grievance with regard to the quantum of the amount and calculation of interest, liberty shall be available to the petitioners to



claim it afresh in accordance with law.

With the aforesaid, for the present, finding no further indulgence to be made, the petition stands disposed of.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2017
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