

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12126 of 2016

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Shyam Sundar Choudhary Son of Laxman Choudhary resident of vill. - Bhachhiar,
P.S. Jamui, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition Department,
Bihar, Patna
2. Excise Commissioner, Excise & Prohibition Department Bihar, Patna
3. The Collector, Jamui
4. The Superintendent of Excise, Jamui
5. Bihar State Beverages Corporation Ltd. Bihar, Patna through its Managing
Director. null null
6. Managing Director, B.S.B.C.L. , Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar, Advocate

For the Respondent/s : Mr. Lalit Kishore- AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-04-2018

Petitioner has filed this writ application directly before
this Court seeking refund of the amount deposited by the petitioner
with regard to grant of licence for composite liquor shop for the loss
of profits @ 15% on the estimated sale of monthly quota of liquor
with respect to composite shop no.05 & 10 and country liquor shop
no.03 of Nagar Parishad Jamui as well as interest @ 12% per annum
from the date the petitioner became entitled for refund to the date of
actual refund on the amount refundable to the petitioner. The



petitioner has directly filed this writ application after representation submitted by the petitioner to the Superintendent of Excise was not considered. If the Superintendent of Excise has not considered the representation of the petitioner, petitioner should have approached Excise Commissioner, the respondent no.2.

We are not inclined to interfere into the matter. However, we direct the petitioner to file a detailed claim before the respondent no.2 within a period of 30 days from the date of receipt of certified copy of this order and on the same being done, respondent no.2, the Excise Commissioner, shall consider the claim of the petitioner, if required hear the petitioner, grant him opportunity to produce the documents and thereafter pass speaking order within a period of 90 days.

With the aforesaid liberty, we dispose of the matter.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19-04-2018
Transmission Date	

