IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7763 of 2019
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Molson Coors Cobra India Pvt. Ltd., a registered company incorporated under the Companies Act, 1956 having its registered office at 501, 10th Floor, DLF Tower, District Centre Jasola, New Delhi-110025 through its authorized signatory Sri Santosh Kumar Gupta, Male, aged 44 years, son of Late Gupteshwar Prasad Gupta, resident of 88, Near Lal Chowk, Jai Ram Nagar, P.O. and P.S. Khagaul, Dist-Patna-801105

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Commercial Taxes, Government of Bihar, Patna.
2. The Commissioner, Commercial Taxes, Bihar, Patna.
3. The Deputy Commissioner of Commercial Taxes, Danapur Circle, District Patna.
4. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
5. The Director of Industries, Department of Industries, Government of Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Adv.
For the Respondent/s	:	Mr. Akash Chaturvedi, AC to SC-11.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)
Date : 22-04-2019

Heard Mr. Satyabir Bharti, learned counsel appearing for the petitioner and Mr. Akash Chaturvedi, learned Assisting Counsel to Standing Counsel No.11 for the State.

The petitioner prays for a direction to respondent authorities in the Commercial Taxes Department to consider his application for refund of an amount of Rs. 3,86,34,414.66 stated to be the VAT reimbursable amount payable to the petitioner under the Bihar Industrial Incentive Policy, 2011.

Mr. Bharti invites our attention to the policy at Annexure-1 as well as the application dated 13.08.2018 at Annexure-8 to submit that it is under the policy of 2011 that the petitioner is entitled to refund for which an exhaustive application is filed before the Deputy Commissioner, Commercial Taxes, Danapur Circle, Patna but remains pending since 13.08.2018.

Mr. Bharti informs that although the application is to the tune of Rs. 4.54 crores but the figure is reduced to the tune of Rs.3.86 crores in view of the explanation given at paragraph 14 of the writ petition which he would canvass before the Deputy Commissioner, Commercial Taxes for establishing the claim as set out.

Having heard learned counsel for the parties and considering that the matter is yet pending, we would only direct the Deputy Commissioner, Commercial Taxes, Danapur Circle, Patna to consider the refund application of the petitioner dated 13.08.2018 in the backdrop of the relief claimed in the writ petition alongside the statement made in paragraph-14 of the writ petition by giving opportunity of hearing to the petitioner within a period of four weeks from the date of receipt/production of a copy of this judgment.

With the directions above, we dispose of the writ petition.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Anjula/skpathak

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.04.2019
Transmission Date	NA