

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18568 of 2015**

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Ram Swaroop Sahani son of Late Mukti Sahani, Resident of Mohalla-Shahganj, Police Station- Weta O.P. Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Commissioner, Darbhanga Division, Darbhanga.
3. District Magistrate-cum-Collector-cum-Registrar, Darbhanga.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Raj Shekhar

For the Respondent/s : Mr.Purnendu Singh- Gp27

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      17-05-2019                      The present application has been filed by the petitioner for a direction to respondents to refund rupees one lakh three thousand, five hundred and fifty only to the petitioner which was deposited by the petitioner through Challan on 23.6.2014.

Learned counsel for the petitioner submits that petitioner has deposited the aforesaid amount with the State Bank of India, Darbhanga branch, Darbhanga on 23.6.2014.

Learned counsel submits that the deal failed and as such the petitioner has applied for refund of the amount. However, there is delay of approximately two months in filing the application for refund.

Referring to Annexure-3 he submits that on 2.9.2015 application for refund was submitted in the requisite form but the application was rejected by the Commissioner, saying that



the application was submitted belatedly.

There is no illegality in the order passed by the Commissioner but having regard to the peculiar facts and circumstances of the case that the money was deposited by the petitioner in the bank in connection with court fee for registration of the document, the deposit cannot be forfeited simply because there is delay of two months as this kind of forfeiture is approved to the concept of welfare state.

The Court in the peculiar facts and circumstances of the case, directs the respondents to refund the amount after deducting 10 per cent of the amount as the Challan was deposited for purchase of stamp and due to failure of deal between the parties, the presentation of document for registration was frustrated and as such bank and respondents are justified in deducting amount to the extent of 10 per cent of the amount deposited only.

Accordingly, the writ petition is allowed with direction to the respondents to refund the amount deposited by the petitioner after deducting 10 per cent for the service rendered by them within a maximum period of sixty days from the date of receipt/production of a copy of this order.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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