

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16151 of 2018

Ashok Kumar Son of Late Raghunath Prasad, Resident of Mohalla-Balkishunganj, Patna City, Police Station- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Excise, Prohibition and Registration, Government of Bihar, Patna.
2. The Commissioner-cum-Secretary, Department of Excise, Prohibition and Registration, Government of Bihar, Patna.
3. The Joint Commissioner, Department of Excise, Prohibition and Registration, Government of Bihar, Patna.
4. The Collector-cum-District Magistrate, Rohtas at Sasaram.
5. The Collector-cum-District Magistrate, Bhojpur at Ara.
6. The Collector-cum-District Magistrate, Kaimur at Bhabhua.
7. The Collector-cum-District Magistrate, Buxar.
8. The Assistant Excise Commissioner, Buxar.
9. The Assistant Excise Commissioner, Bhojpur at Ara.
10. The Assistant Excise Commissioner, Rohtas at Sasaram.
11. The Assistant Excise Commissioner, Kaimur at Bhabhua.
12. The Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
13. The Deputy Commissioner, Sales Tax, Patna City West Circle, Patna City Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav
For the Respondent/s : Mr.Lalit Kishore - Ag

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

3 06-03-2020 Heard the learned counsel for the petitioner and
learned counsel for the respondents.

Petitioner has prayed for the following reliefs:-



“ For issuance of an appropriate writ in the nature of Mandamus and/or any other appropriate writ, order or direction commanding upon the respondents to refund/remit the amount of security deposited in the form of National Saving Certificate for the Tender period of 01.04.199 to 31.03.2002 and the license fee for the period 2001-02 deposited by the petitioner for renewal of his license in Form 27 in relation to the district of Shahabad Zone comprising of Bhojpur, Rohtas, Kaimur and Buxar with 12 % interest thereon.”

The issue pertains to the refund of the amount, which the petitioner claims to have deposited, according to him in excess (refundable) pre-deposited in relation to four districts, than what was so required under the provisions of the Bihar Excise Act with regard to Rohtas at Sasaram district, Kaimur at Bhabua district, Bhojpur at Ara district and district Buxar.

Petitioner contends that the authorities have not taken any action in that regard.



Sri Vikash Kumar states that the amount could not be refunded on account of completion of formalities.

Having heard learned counsel for the parties, we are of the considered view that the issue can be best resolved with the writ petitioner appearing before the Assistant Excise Commissioner of the respective districts and the said officer, shall process the petitioner's request so submitted in writing with the completion of all formalities.

This can be conveniently done within next two working weeks.

Let the petitioner appear before the authority in the week commencing from 16th of March 2020.

Petition stands disposed of with the aforesaid directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv/-

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