

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15751 of 2017

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Sanjay Mandal son of Shri Saryug Mandal, Resident of Bikrampur, P.S.-
Asarganj, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Munger.
4. The Superintendent of Excise, Munger.
5. The Certificate Officer, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyabir Bharti, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-12-2020

Petitioner has prayed for the following relief(s):

- i. Issuance of a writ of certiorari quashing the order, dated 10.07.2015 contained in memo no. 865, passed by the Superintendent of Excise, Munger by which demand of Rs. 1, 62, 690.00 has been raised against the petitioner for the settlement of group no. 28 retail liquor shops in the district of Munger for the



financial year 2011-12;

ii. Quashing the Certificate Case No. 16 of 2016-17 pending before the Certificate Officer, Munger which has been initiated, on the requisition of the Superintendent of Excise, Munger, for recovery of the impugned demand for recovery of Rs. 1,62,690.00.

iii. To restrain the respondents from taking any coercive steps for recovering the aforesaid demand from the petitioner during the pendency of the present proceedings;

iv. for issuance of any other writ(s), order(s) or direction(s) as it may deem fit and proper by this Hon'ble Court."

The alleged impugned order dated 10th of July, 2015, in our considered view, is not an order, but simply a notice of demand. Undisputedly, prior to the issuance of such notice/order, petitioner was neither noticed nor heard.

As such, we direct the respondent No.4, namely The Superintendent of Excise, Munger, to afford an opportunity of hearing to the petitioner and then pass an appropriate order assigning reasons determining the outstanding amount due and payable by the petitioner.



Petitioner is disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.12.2020
Transmission Date	

