

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.3072 of 2019**

**In**  
**Civil Writ Jurisdiction Case No.9941 of 2019**

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M/s Indian Traders a proprietorship firm having its place of business at opposite Lichhavi hotel, PO- head post office, at Zila Praishad market, shop number 52, P.s. Brhampura, Imlichatti, Muzaffarpur- 842001 through its proprietor namely Md. Moshahid Ali Hejazi, male, aged about 24 years son of Md. Shahid, resident of bihand Chand Kothi, Imamgunj, P.O- PO and P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Alok Ranjan Ghosh the District Magistrate Cum District Election Officer, Muzaffarpur
2. Ujjawal Kumar Singh, The Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Muzaffarpur
3. Gopal Kumar Agrawal The Nodal Officer, Expenditure Monitoring Cell, Muzaffarpur
4. M.K. Choudhary, The District Treasury Officer, Muzaffarpur
5. No Name The Director Investigation, Income Tax Department, Patna
6. B.K. Tiwary, the Income Tax Officer Cum Q RT, Internal Audit Cell, Income Tax Department, Muzaffarpur
7. Deepak Anand, the Additional Director of Investigation, Income Tax Department, Muzaffarpur
8. Ashok Kumar, The Executive Magistrate, Muzaffarpur
9. Anand Pathak, Secretary the Election Commission of India, Nirvachan Sadan, New Delhi

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                          |
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| For the Petitioner/s | : | Mr. Gautam Kumar Kejriwal, Adv.          |
|                      | : | Mr. Atal Bihari Pandey, Adv.             |
|                      | : | Mr. Alok Kumar Jha, Adv.                 |
| For the State        | : | Mrs. Archana Sinha @ Archana Shahi, Adv. |
| For E.C.I.           | : | Mr. Siddhartha Prasad, Adv.              |

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

**(Per: HONOURABLE THE CHIEF JUSTICE)**

5      06-03-2020

On 04.02.2020, we have passed the following order:



“We see no reason as to why the directions contained in the judgment dated 16.05.2019 passed in CWJC No. 9941 of 2019 are not implemented in its letter and spirit. It is not in dispute that the principal amount stands disbursed to the writ petitioner. The surviving issue, subject matter of the present petition filed under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, is with regard to non- disbursement of the contemplating interest.

Noticeably the judgment in CWJC No. 9941 of 2019 (supra) was assailed by the Revenue Department before the Hon’ble Apex Court and the special leave petition stands dismissed.

Mrs. Archana Shahi states that the Board is contemplating filing a review petition before the Hon’ble Apex Court. We notice that the directions were issued way back on 16.5.2019 and till date, the Revenue Department has not taken a decision for filing the review petition. Whether, it would be filed at all or not is also not apparent from the record.

As such, we see no reason as to why the Revenue Department is not paying the contemplating interest which can be subject to the outcome of the action initiated by the Revenue Department and the orders passed therein.

Let needful be done within four weeks failing which the opposite party no. 7 i.e. Mr. Deepak Anand, the Additional Director of Investigation, Income Tax Department, Muzaffarpur shall be present before this Court on the next date of hearing.

List this case on 05.03.2020.”

The petitioner has prayed for the following relief/s:



“Seeking invocation of contempt jurisdiction of this Hon’ble Court for initiation of proceedings of contempt against the opposite parties for wilful and deliberate non-compliance of the directions contained in the oral judgement dated 16.05.2019 passed by a Division Bench of this Court in C.W.J.C. No.9941 of 2019.”

Appreciatively, with the efforts put in by Mrs. Archana Sinha @ Archana Shahi, learned counsel for the State, the order stands complied with, to the satisfaction of the appellant.

Accordingly, petition stands disposed off.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

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