

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15480 of 2017

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Mirtunjay Prasad @ Mritunjay Prasad Son of Nathuni Prasad, Resident of
Village-Dumwaliya, Ward No. 9, P.S. Bagaha, District-West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Excise Commissioner, Department, of the Excise Vikash Bhawan,
Bailey Road, Patna.
3. The Deputy Commissioner, Department of the State Excise, Vikash Bhawan,
Bailey Road, Patna.
4. The Joint Commissioner, Department of the Excise, Vikash Bhawan, Bailey
Road, Patna.
5. The District Magistrate, West Champaran. at Bettiah
6. The Excise Superintendent, West Champaran at Bettiah
7. The Assistant Commissioner, Department of Sale Tax, West Champaran at
Bettiah.
8. The Sub-Divisional Officer, Bagaha, West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra, Adv.
For the Respondent/s : Mr.Lalti Kishore, A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN)

Date : 06-01-2021

Heard the parties.

The present writ petition has been filed for return
of Rs. 88235/- by the respondent-authorities to the petitioner
and for the other ancillary relief.

Pursuant to notice inviting application for issuance
of licence for the retail vendor of country liquor/spiced country
liquor/foreign liquor/beer, the petitioner along with others



submitted the application before the concerned authorities. The authorities concerned adopted the lottery system for selection of the vendor and the petitioner was selected for retail vendor of country liquor/spiced country liquor and foreign liquor.

According to guideline of sale gazette, the petitioner deposited the entire licence fee from March 2014 to January 2015. The petitioner has not deposited of February 2015 of Rs. 13,17,150/- according to guideline of sale gazette the authority concerned adjust the liabilities from security amount. The security amount of the petitioner is Rs. 13,17,200/-, 9% interest, 1,48,185=14,65,385/- and according to Memo No. 616 dated 7.04.2015, the total liabilities is on petitioner Rs. 13,77,150/- and total security money of the petitioner is Rs. 14,65,385/- liabilities of Rs. 13,77,150/-=Rs. 88,235/-. The surplus amount of Rs. 88,235/- is pending before the authority. But the authority concerned are sitting tight over the matter and are not returning the same. Hence, this writ petition.

On the other hand, learned counsel for the State submits that there is a provision of appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016 and the petitioner may be relegated to file an appeal for redressal of his grievance.

It is submitted that the petitioner will be satisfied



if representation of the petitioner is considered by the competent authority for refunding the aforesaid amount in terms of the judgment passed by this Court as well as Apex Court.

Accordingly, we disposed of this writ petition with liberty to the petitioner to file a detailed representation enclosing judgment and order passed by this Court as well as Apex Court before the competent authority and the same shall be considered by the competent authority, after condoning the delay, if any, in preferring the appeal, in accordance with law and pass a speaking and reasoned order within 30 days from the date of filing of such representation.

(Sanjay Karol, CJ)

(Anjani Kumar Sharan, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.01.2021
Transmission Date	NA

