

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 444 of 2021

SCI India Limited, a company incorporated under the provisions of Companies Act, 1956 having its registered office at D.N. Singh Road, Bhagalpur – 812002 and factory at Rajaun, Banka (Bihar) through its Manager -cum- authorized signatory Shri Pramod Tiwary, Male, aged about 50 years, son of Late Hridyanand Tiwary, resident of- Mohalla- Road No. 3E, Rajiv Nagar, P.S. Rajiv Nagar, District – Patna – 800024.

..... Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
2. Excise Commissioner, Bihar, Patna
3. Collector, Banka
4. The Superintendent of Excise, Banka

..... Respondents

Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 21-05-2021

Petitioner has prayed for the following reliefs: -

- i. Directing the respondents particularly the respondent no. 2 namely the Excise Commissioner, Bihar to grant permission to the petitioner for supply of Extra Neutral Alcohol/Ethyl Alcohol to manufacturers of hand sanitizers and other medicines containing alcohol situated in the State of Bihar;



ii. And quash Condition no. 7(iii) of the notification dated 26.02.2018 by which the petitioner and other distilleries manufacturing Extra Neutral Alcohol (ENA) have been restrained from selling ENA to industrial units situated in the State of Bihar for *bona fide* industrial purposes.

iii. Pass such other order(s) as your Lordships may deem fit and proper in the facts and circumstances of the present case.

After the matter was heard for some time, Shri Satyabir Bharti, learned counsel for the petitioner, states that petitioner be permitted to first approach the authority venting out the grievances, more particularly with regard to the discrimination.

The issue of discrimination is disputed by the State. However, State has no objection to the petitioner, approaching the appropriate authority venting out its grievances.

Further, it is assured that as and when any such request is received, the same shall be considered on its own merit expeditiously in accordance with law.

As such, we dispose of the petition on the following mutually agreeable terms:

- (a) The petitioner to approach the appropriate authority at the earliest.
- (b) We only hope and expect that as and when the



respondent/appropriate authority receives such request, the same shall be considered and decided expeditiously, preferably within a period of three months from the date of its receipt along with a copy of this order.

- (c) All issues on facts and law are left open.
- (d) Liberty reserved to the petitioner to approach the Court, if the need so arises on the same and subsequent cause of action.
- (e) We have not expressed any opinion on merits.
- (f) The proceedings, during the time of current Pandemic- Covid-19, shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.05.2021
Transmission Date	

