

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16565 of 2018

=====

Allied Blenders and Distillers Pvt. Ltd. (other details not given), Rajeshwar Prasad Singh , Resident of Eliza- 10, Uttar Para, Hoogly, West Bengal- 712233.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Commercial Taxes, Bihar, Patna
3. The Deputy Commissioner, Commercial Taxes, Patna City East Circle, Patna City.
4. The Deputy Commissioner, Commercial Taxes, Sitamarhi Circle, Sitamarhi.
5. The Excise Commissioner, Bihar, Patna
6. The Assistant Commissioner of Excise, Patna.
7. The Superintendent of Excise, Sitamarhi.
8. Colona Blenders & Bottlers (India) Pvt. Ltd., a private limited company having its registered office at Janki Illa, Basant Vihar Colony, Boring Road, Patna-800001 through its Director
9. Anusuya Blenders Pvt. Ltd. a private limited company having its registered office at Goldar Patti, Nath Nagar, Bhjagalpur, Bihar, through its Director.
10. Saibya Liquors Private Ltd., a private limited company having its registered office at 91, Koat Bazaar, Sitamarhi, Bihar-843302 through its Director.

... .. Respondent/s

=====

Appearance :

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

=====

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

(Per: HONOURABLE THE CHIEF JUSTICE)

8 12-05-2022 Petitioner has prayed for the following relief(s):-

“(i) To hold and declare that the petitioner having made the payments of VAT and Excise levies for manufacture and supply of its brands of liquor in the State of Bihar, which has now been found to be refundable by the authorities, pertaining to the relevant



financial years i.e. 2015-16 and 2016-17 and the aforementioned fact having been admitted through an agreement executed between the petitioner with the Respondent Nos. 8 to 10, the Respondent Nos. 2 to 7, in pursuance to the authorisation issued by Respondent Nos. 8 to 10, are lawfully bound to refund the said amounts in favour of the petitioner;

(ii) Issuance of writ of mandamus directing the Respondent Nos. 1 to 7, to refund the amount of VAT and Excise levies (Excise Duties and Fees) pertaining to the relevant financial years i.e. 2015-16 and 2016-17, in favour of the petitioner, which has been found refundable in pursuance of various orders passed by the Respondent Nos. 3 to 7, directing refund of certain amount of VAT and Excise levies pertaining to the financial year 2015-16 and 2016-17 in compliance of the directions issued by the Hon'ble Patna High Court in CWJC No. 16716 of 2017 (Colona Blenders & Bottlers (India) Pvt. Ltd. & Ors. Vs. State of Bihar & Ors.);

(iii) To restrain the respondent Nos. 1 to 7 from refunding the said amounts, in favour of Respondent Nos. 8 to 10, in pursuance of the orders passed by the Respondent Nos. 3 to 7, directing refund of certain amount of VAT and Excise levies pertaining to the financial year 2015-16 and 2016-17, in compliance of the directions issued by the Hon'ble Patna High Court in CWJC No. 16716 of 2017 (Colona Blenders & Bottlers (India) Pvt. Ltd. & Ors Vs. State of Bihar & Ors.);

(iv) To pass such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper in the facts and circumstances of the case.”

Learned counsel for the petitioner seeks permission to withdraw the present petition.



Permission granted.

Instant petition stands disposed of as withdrawn.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

U			
---	--	--	--

