

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18357 of 2021

M/s Riga Sugar Company Ltd. (DISTILLERY DIVISION) having registered office at 14, Netaji Subhas Road, Kolkata - 700001 and its distillery located at Dhanukagram, P.O.- Riga, District - Sitamarhi through its Chairman-cum-Managing Director, Shri Om Prakash Dhanuka, aged about 71 years (male), son of Late Purshottam Lal Dhanuka, resident of Alipore Terrace, 3rd Floor, 12 Raja Santosh Road, Kolkata - 700027 having local address at C/O Riga Sugar Factory Ltd., Dhanukagram, P.O. and P.S.- Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Sugarcane Industry Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Sugarcane Industry Department, Govt. of Bihar, Patna.
3. The Cane Commissioner, Bihar, Patna.
4. The Cane Officer, Sitamarhi.
5. The Excise Commissioner, Bihar, Patna.
6. The Deputy Excise Commissioner, Bihar, Patna.
7. The District Magistrate, Sitamarhi.
8. Superintendent of Police, Excise and Prohibition, Sitamarhi.
9. The Bank of India represented through Branch Manager, Riga Branch, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashish Giri, 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 : 29-01-2022



Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- i) To issue appropriate writ/order/orders or directions in the nature of *Certiorari* for quashing the letter no. 853 dated 10/14.06.2021 issued under the signature of the Principal Secretary, Sugarcane Industry Department, Government of Bihar, Patna by which the District Magistrate, Sitamarhi has been directed that for the purpose of payment of the cane price to the cane growers, 85% of the sale proceed from ethanol made by the petitioner-company be deposited in a separate account of Bank of India, Riga, Sitamarhi bearing Account No. 444020110000202 which will be controlled by the Department. (Annexure-3, Pg. 31)
- ii) To hold and declare that the direction vide letter dated 10/14.06.2021 in directing to deposit 85% of the sale proceed of the petitioner from ethanol in the separate account is wholly without jurisdiction and thus, fit to be quashed and the petitioner be permitted to transfer/utilize the money in the said account into the business account of the petitioner distillery to be utilized as per its requirement and liabilities etc.
- iii) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

Learned counsel for the petitioner states that in view of the intervening developments, petitioner be permitted to withdraw the present petition reserving liberty to file a fresh petition, should the need so arise subsequently, on the same and subsequent cause of action.

Liberty as prayed for is granted.



The present petition stands disposed of as withdrawn
with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2022
Transmission Date	

