

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2010 of 2020

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Ganga Koshi Navik Naw Yatayat Sahyog Samittee, Barari, District Katihar,
through, Awadh Kumar Sahni, aged about 45 years Male, Son of Asharfi
Sahni, Resident of Village Sukhasan, Police Staiton Barari, District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Collector, Katihar.
2. The District Co-operative Officer, Katihar.
3. The Additional Collector, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shravan Kumar, Sr. Advocate Mr. Dinesh Maharaj, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC-26 Mr. Tripurari Nath Ambastha, A.C. to S.C-26

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

12 03-04-2023 Heard learned Senior counsel for the petitioner and
learned counsel for the State.

The petitioner has filed the instant application for the
following relief(s):

*“That this application is being filed for issuance of
appropriate writ/writs, order/orders, direction/
directions in regard to extension of the contract of
the petitioner for financial year 2020-21, which was
earlier entered with the Respondent Additional
Collector Katihar, for the period of 2018-19 and
2019-20, in pursuant to the letter of the Additional
Collector, Katihar, vide Memo no. 509 dated
30.06.2018, and also for settlement of the Manihari
Sahibganj Interstate Ferry ghat next financial year
2020-21.”*



The case of the petitioner in brief is that the matter in the instant writ application relates to settlement of Manihari Sahibganj Interstate Ferry Ghat in the name of the petitioner for the period 2018-19 and 2019-20.

It is the case of the petitioner that vide order contained in Memo no.509 dated 30.6.2018 issued under the signature of the Additional Collector, Katihar, the petitioner was awarded a contract to run the Interstate Ferry Ghat for the period 2018-19 and 2019-20. A sum of Rs.21,16,000/- each for the period 2018-19 and similar amount for the period 2019-20 was deposited by the petitioner.

It is submitted by learned Senior counsel appearing for the petitioner that the amount of Rs.21,16,000/- as deposited by the petitioner was for the full financial year 2018-19 and 2019-20. Admittedly, the agreement having been entered into by the respondents with the petitioner, a copy of which is Annexure-2 to this writ application only on 4.7.2018, the petitioner was denied the benefit of the Ferry Ghat for the first three months ie for the period from 1.4.2018 to 3.7.2018 and as such proportionate amount of Rs.5,29,000/- (approx.) should be returned to the petitioner. Learned Senior counsel further submits that a sum of Rs.4,05,240/- was taken by the respondents from the petitioner by way of registration cost. There being no dispute to the fact that the



petitioner is a Co-operative Society, from reading of the contents of the letter no.141 dated 4.11.1986 of the Joint Secretary, Revenue and Land Reforms Department, Government of Bihar (Annexure-4 to I. A. no.1 of 2020), the petitioner Co-operative Society would be exempt from stamp duty and registration charges. As such, it is prayed that the said sum of Rs.4,05,240/- be also returned to the petitioner.

Learned counsel appearing for the respondents in reference to the counter affidavit filed on behalf of the Additional Chief Secretary, Revenue and Land Reforms Department submits that although the petitioner is a registered Co-operative Society, but it participated in the open general bid like any other entity and in such circumstances the registration fee and the stamp duty will be chargeable.

Having heard learned counsel for the parties and taking into consideration the order contained in Memo no.509 dated 30.6.2018 (Annexure-1) issued under the signature of the Additional Collector, Katihar, whereby the Interstate Ferry Ghat was awarded to the petitioner, the same clearly describes the petitioner as a co-operative society. Further, even the lease agreement deed dated 4.7.2018 (Annexure-2 to the writ application) also describes the petitioner as a co-operative society. Taking into consideration the facts and circumstances of the case,



the admission in paragraph no.14 of the counter affidavit filed on behalf of the Additional Chief Secretary that the petitioner is a registered Co-operative Society together with the fact that the letter of allotment and the lease agreement as contained in Annexures-1 and 2 to the writ application wherein also the petitioner is described as a Co-operative Society, there remains no doubt in the opinion of the Court that the petitioner would be exempt from stamp duty and registration charges and thus is entitled for refund of Rs.4,05,240/-.

It is ordered that the respondents shall return the amount of Rs.5,29,000/- and Rs.4,05,240/- ie a total amount of Rs.9,34,240/- to the petitioner within a period of three months of receipt/communication of this order.

In case, the amount as directed is not paid within the aforesaid period, the petitioner would be entitled to a further cost of Rs.20,000/-.

This writ application stands disposed of.

(Partha Sarthy, J)

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