

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4591 of 2023

Mohan Raut S/o Shankar Raut, R/o Village- Rampur, Baheliya, Ward No. 14,
Puraina, P.S.- Yogapatti, District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Excise and Prohibition Department,
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, West Champaran, Bettiah.
4. The Superintendent of Excise, West Champaran, Bettiah.
5. The Certificate Officer, West Champaran, Bettiah.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Kumar Manish, SC-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 17-04-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that
petitioner was declared successful for the Group No-4 as well as
Group No-33 liquor shops in the financial year 2014-2015, in
the District of West Champaran. He was awarded license to run
the same. He further submits that he made payment of advance
and monthly license fee for the license in Group No-4 as well
as in Group No-33. However, the Authorities have wrongly
adjusted the advance submitted against the dues outstanding
with respect to the license issued in the other Groups. He, thus,



submits that if the Authorities were to consider this grievance of the petitioner, in fact, the petitioner would be entitled to refund of some amounts. He submits that the recovery proceedings arising out of Bihar and Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as ‘the Act’) in Certificate Case No. 16 of 2016-2017 are, therefore, thoroughly misconceived as the petitioner does not owe any amount, let alone any public demand.

3. The submissions give rise to an issue of set off/accounting in the instant proceedings, which is required to be raised by the petitioner before the Certificate Officer, West Champaran, Bettiah (Respondent No.5) by filing objection under Section 9 of the Act, in the pending Certificate Case No. 16 of 2016-2017.

4. With liberty as aforesaid, the writ application is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	21 /04/2023
Transmission Date	

