

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17823 of 2016

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M/s Riga Sugar Company Ltd., Distillery Division, having registered office at 14, Netaji Subhas Road, Kolkata-700001 and its distillery at Dhanukagram, P.O. Riga, District Sitamarhi through its Senior General Manager, Uday Shankar Dwivedi, Son of Rishi Deo Dwivedi, resident of Mishrouli, P.O. and P.S. Bhore, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna
2. The Secretary, Excise and Prohibition Department, Bihar, Patna
3. The Commissioner of Excise, Bihar, Patna
4. The Managing Director, Bihar State Beverage Corporation Ltd., Bihar, Patna
5. The Collector, Muzaffarpur
6. The Collector, Sitamarhi
7. The Collector, Sheohar
8. The Superintendent of Excise, Muzaffarpur
9. The Superintendent of Excise Sitamarhi - Cum - Sheohar
10. The Depot Manager, Depot of Bihar State Beverage Corporation Ltd., Muzaffarpur
11. The Depot Manager, Depot of Bihar State Beverage Corporation Ltd., Sitamarhi
12. The Depot Manager, Depot of Bihar State Beverage Corporation Ltd., Shohar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V.Giri, Senior Advocate Mr. Ashish Giri, Advocate Mr. Sunit Kumar Jha, Advocate Ms. Riya Giri, Advocate Mr. Bivotosh Kumar, Advocate
For the Respondent/s	:	Mr.Lalit Kishore, Ppaag1

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-11-2023

In this petition, petitioner has prayed for the



following reliefs:-

“i. To hold and declare that the order dated 30-03-2016 issued by the Excise Commissioner, Bihar whereunder the stock of PET bottles of country liquor supplied by the petitioner and remaining balance on 31-03-2016 at the depots of Bihar State Beverage Corporation Ltd. situated at Muzaffarpur, Sitamarhi, Sheohar and Motihari and at the petitioner manufactory at Muzaffarpur and of reduced country liquor lying in the vat at the said manufactory were destroyed is arbitrary, illegal, irrational, perverse and *ultra vires* the provisions of the Bihar Excise Act, 1915, the Bihar Excise (Amendment) Act, 2016 and Liquor Sourcing Policy of Bihar State Beverage Corporation Ltd.

(ii) To further hold and declare that the impugned order dated 30-03-2016 of destruction of country liquor supplied by the petitioner to the aforesaid depots and lying unsold as well as destruction of the balance stock of PET bottles of and of reduced country liquor country liquor at the petitioner's manufactory has wrongfully caused a huge and irreparable loss to the petitioner.

(iii) To hold and declare that the State is liable to pay compensation for the wrongful act of destroying country liquor lawfully manufactured and supplied by the petitioner and the petitioner is entitled to receive compensation from the Respondent State for the damages caused to due to the wrongful action on the part of the respondents.

(iv) For issuance of a writ of or in the nature of mandamus or any other appropriate writ, order or direction commanding upon the respondents to pay a sum of Rs.1,26,69,759.48 (Rupees One crore twenty six lacks sixty nine thousand seven hundred fifty nine and paise forty eight only) to the petitioner, for the loss caused to it on account of unlawful destruction of country liquor;

And/or

(v) To issue such other writ(s), order(s) or directions as this Hon'ble Court may deem fit and proper for doing unconscionable justice to the petitioner.”

2. In support of the aforementioned reliefs, petitioner has submitted his claim vide Annexure-8. The concerned respondents have not passed any order either accepting or rejecting the petitioner's claim and on the matter for the last about six years.

3. Learned counsel submitted that in identical matter, this Court has allowed and certain payments have been



made to the concerned parties.

4. Taking note of the these facts and circumstances, the petitioner is hereby directed to file additional representation or application in support of the claim including any decision of this Court and produce the same so as to enable the concerned authority to decide the claim of the petitioner read with the decision of this Court. The concerned authority is hereby directed to take a decision while passing a detailed speaking order and communicate the same. The above exercise shall be completed within a period of eight weeks from the date of the receipt of additional representation/application on behalf of the petitioner.

5. With the above observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

