

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16633 of 2016

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M/s Spicy Beverage Pvt. Ltd. a company incorporated under the Companies Act, 1956 having its registered office at Gandhi Road, Dhansar, Dhanbad, Jharkhand through its Director Kamlesh Kumar Sinha, son of Sri Lakshmi Narain Sinha, resident of Begampur, Karmali Chak, PS Chawk, District Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar, Patna.
3. The Bihar State Beverage Corporation Limited, A Government of Bihar Undertaking having its registered office at Eastern Wing, 1st Floor, Vidyut Bhawan, Patna through its Managing Director.
4. The Managing Director, The Bihar State Beverage Corporation Limited, having its registered office at Eastern Wing, 1st Floor, Vidyut Bhawan, Patna
5. The Depot Manager, Bihar State Beverage Corporation Limited, Chapra
6. The Depot Manager, Bihar State Beverage Corporation Limited, Motihari
7. The Superintendent of Excise, Saran
8. The Superintendent of Excise, East Champaran, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate
For the Respondent/s : Mr. Lalit Kishore, PAAG-1

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

19 07-11-2023

In this petition, petitioner has prayed for the

following reliefs:-

“I. Directing the respondents i.e. the State Government/ Bihar State Beverage Corporation Limited to make payment of the sale price of country liquor for a quantity of 17484.08 LPL valued at Rs.25,50,490.00, supplied by the peti-



tioner to the Chapra and Motihari Depots of Bihar State Beverage Corporation Limited under a statutory contract executed between the petitioner and the State Government;

II. To hold that the aforesaid inaction of the respondents in making payment of the supply price of country liquor which was supplied by the petitioner on a requisition made by the Bihar State Beverage Corporation Limited and orders of the State Government is illegal, arbitrary and unreasonable;

III. To direct the respondents to pay interest @ 18% on the aforesaid quantity supplied but not paid from March, 2016 till the date of its actual payment;

IV. For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

2. In support of the aforementioned reliefs, petitioner has submitted letter dated 29.04.2016 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 seven 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 circum-



stances, 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/-

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