

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20679 of 2019

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Malson Coors India Pvt. Ltd. (formerly Mount Shivalik Breweries Ltd) a registered company incorporated under the Companies Act, 1956 having its corporate office at 501, DLF Tower-B, District Centre Jasola, New Delhi-110025 through its authorized signatory Sri Santosh Kumar Gupta, Male, aged 44 years, Son of Late Gupteshwar Prasad Gupta, resident of 88, Near Lal Chowk, Jai Ram Nagar, P.O. and P.S. Khagaul, Dist. Patna- 80105.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Assistant Commissioner of Excise, Patna.
4. The Bihar State Beverage Corporation Limited a Government of Bihar, Enterprises, through its Managing Director, at 1st Floor, Vidyut Bhawan-II, Jawaharlal Nehru Marg, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyabir Bharti, Advocate
Ms. Sushmita Sharma, Advocate
Ms. Kanupriya, Advocate
Mr. Abhishek Anand, Advocate

For the Respondent/s : Mr. Sriram Krishna, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

3 20-09-2023 In the instant petition, petitioner has prayed for the



following relief(s):

“(i) direct the respondents to recompensate the financial loss occasioned to the petitioner; (a) to the extent of sale value (excluding duties and taxes) of the stocks of beer, lying in the Bihar State Beverages Corporation Limited (BSBCL) warehouses and licensed warehouse of the petitioner, as on 5th April, 2016, which had been manufactured for/supplied by the petitioner, for sale in the State of Bihar, but had to be drained out due to prohibition on sale and consumption of beer in the State of Bihar, imposed from 5th April, 2016; (b) loss of consumables and packing materials, claim for which had been raised vide representation dated 5th April, 2019 (Annexure-13); (ii) Issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

2. The grievance of the petitioner is supported by representation dated 05.04.2019 (Annexure-13), but concerned authority-respondent has not acted on the petitioner's representation/grievance even after lapse of more than four years. Therefore, the concerned authority-respondent is directed to act on the petitioner's representation and consider each of the issue raised in the representation by passing a detailed speaking order and communicate the same to the petitioner. The above exercise shall be completed within a period of three months from the date of receipt of this order.



3. Accordingly, the instant petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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