IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.155 of 2022
In
Civil Writ Jurisdiction Case No.6658 of 2011

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1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Sugarcane Industries Department, Bihar, Patna.
3. The Commissioner-cum- Secretary, Cane Development Department, Bihar, Patna.
4. The Secretary/ Principal Secretary to the Government, Department of Registration, Excise and Prohibition (Excise and Prohibition).
5. The Excise Commissioner-cum- Controller of Molasses, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
6. The Joint Commissioner of Excise, Department of Registration, Excise and Prohibition (Excise and Prohibition).
7. The Superintendent of Excise, West Champaran, Bettiah.

... ... Petitioner/s

Versus

Harinagar Sugar Mill Ltd a Company registered under the provision of the Indian Companies Act, 1956, having its registered office at 207, Kalbadevi Road, Mumbai and its sugar factory at Harinagar, P.O.- Harinagar, P.S.- Ramnagar, District- West Champaran through its Chief General Manager, S.N. Poddar @ Satya Narayan Poddar and the Chief Cane Controller H.P. Pancharia @ Hari Prassad Pancharia holders of power of attorney on behalf of company.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, Advocate.
For the Opposite Party/s : Mr. Ramesh Kumar Agrawal, Advocate.
: Mr. Sanjeev Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

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

5 16-01-2025 Heard learned counsels for the parties.

2. The present Civil Review is arising out of order dated 23.12.2021 passed in C.W.J.C. No.6658 of 2011.

3. Civil Review petitioners are aggrieved by ordering

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interest on the refunded amount of Rs.37,51,350/- in paragraph no.17 of the Co-ordinate Bench order dated 23.12.2021 passed in C.W.J.C. No.6658 of 2011.

4. Paragraph no.17 of the Co-ordinate Bench order dated 23.12.2021 passed in C.W.J.C. No.6658 of 2011 reads as under:-

> *17. In view of the foregoing discussions, it is evident that the petitioner could not have been denied exemption from the administrative charges for the period during which he has claimed for the same, i.e. w.e.f. 05.04.2008 being the date of commencement of the commercial production. The petitioner, as a consequence of his entitlement, should have been refunded the amount of Rs. 37,51,350/- deposited towards administrative charges during the period of his claim. The same has not been done and for the last about more than 13 years the petitioner has been deprived of the same. The State based on unfounded and unsustainable stand of the Excise Department has retained the amount without any justification. This enrichment of the State, based on the unfounded and unsustainable stand of the Excise Department, and in spite of the decision of the Principal Secretary, Sugarcane Department acknowledging petitioner's entitlement for the same, is clearly unjustified. The authorities are therefore, directed to refund the said amount along with interest at the varying Bank rate of interest applicable during this period on fixed deposits.*

5. Learned counsel for the civil review petitioners submitted that there was no demand on behalf of the review

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petitioners asking the respondent to deposit the aforementioned amount. On the other hand, respondent *suo motu* deposited the aforementioned amount towards administrative charges. Therefore, he is not entitled to interest as awarded by the Co-ordinate Bench.

6. The aforementioned contention would have been appreciable, if the deposit of aforementioned amount on behalf of the respondent is not in accordance with law and in such an event review petitioners should have refunded the same within a reasonable period of time. On the other hand, after lapse of about one decade and three years they have taken time to refund the same. Therefore, there is no infirmity in paragraph no.17 of the Co-ordinate Bench order dated 23.12.2021 passed in C.W.J.C. No.6658 of 2011. However, we clarify paragraph no17 insofar as assigning the rate of interest in view of the fact that Co-ordinate Bench has only directed the authorities to refund the said amount alongwith interest at the varying Bank rate of interest applicable during the relevant period on fixed deposits.

7. The review petitioners are hereby directed to pay interest at the rate of 6% per annum for the aforementioned amount. To this extent, paragraph no.17 of the order dated 23.12.2021 passed in C.W.J.C. No.6658 of 2011 has been

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clarified to overcome any confusion. The same shall be calculated and disbursed to the respondent within a period of four months from the date of receipt of this order.

8. Accordingly, the review petition stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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