

(2021) 01 PAT CK 0128

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 15480 Of 2017

Mirtunjay Prasad @ Mritunjay Prasad

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Bihar Prohibition And Excise Act, 2016 — Section 92

Citation : (2021) 01 PAT CK 0128

Hon'ble Judges : Sanjay Karol, CJ;Anjani Kumar Sharan, J

Bench : Division Bench

Advocate : Prithvi Nath Mishra, Lalti Kishore

Final Decision : Disposed Of

Judgement

Heard the parties.

The present writ petition has been filed for return of Rs. 88235/- by the respondent-authorities to the petitioner and for the other ancillary relief.

Pursuant to notice inviting application for issuance of licence for the retail vendor of country liquor/spiced country liquor/foreign liquor/beer, the

petitioner along with others submitted the application before the concerned authorities. The authorities concerned adopted the lottery system for

selection of the vendor and the petitioner was selected for retail vendor of country liquor/spiced country liquor and foreign liquor.

According to guideline of sale gazette, the petitioner deposited the entire licence fee from March 2014 to January 2015. The petitioner has not

deposited of February 2015 of Rs. 13,17,150/- according to guideline of sale gazette the authority concerned adjust the liabilities from security amount.

The security amount of the petitioner is Rs. 13,17,200/-, 9% interest, 1,48,185=14,65,385/- and according to Memo No. 616 dated 7.04.2015, the total

liabilities is on petitioner Rs. 13,77,150/- and total security money of the petitioner is Rs. 14,65,385/- liabilities of Rs. 13,77,150/-=Rs. 88,235/-. The surplus amount of Rs. 88,235/- is pending before the authority. But the authority concerned are sitting tight over the matter and are not returning the same. Hence, this writ petition.

On the other hand, learned counsel for the State submits that there is a provision of appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016 and the petitioner may be relegated to file an appeal for redressal of his grievance.

It is submitted that the petitioner will be satisfied if representation of the petitioner is considered by the competent authority for refunding the aforesaid amount in terms of the judgment passed by this Court as well as Apex Court.

Accordingly, we disposed of this writ petition with liberty to the petitioner to file a detailed representation enclosing judgment and order passed by this

Court as well as Apex Court before the competent authority and the same shall be considered by the competent authority, after condoning the delay, if

any, in preferring the appeal, in accordance with law and pass a speaking and reasoned order within 30 days from the date of filing of such representation.