(2006) 07 JH CK 0015

In the Jharkhand High Court

Smt. Bimla Devi APPELLANT

Vs

State of Jharkhand and Others RESPONDENT

Date of Decision : 14-07-2006

Acts Referred:

Citation : (2007) 3 JCR 532

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—The petitioner, in this writ application, has prayed for a direction on the respondents to accept and adjust the payment made by her for the month of November and December, 2002 towards her licence fee. The petitioner claimed to have deposited an amount of Rs. 1,74,313/- by Cheque No. 976568, dated 14.1.2003 drawn on State Bank of India, Sahebganj Branch, which was duly credited into the State Account, as per the Bank''s Certificate. An amount of Rs. 11,000/- is to be also adjusted against the value of stock given at the request of Excise Sub- Inspector. A total amount of Rs. 1,84,140/- has been deposited towards the licence fee for two months. The petitioner has further prayed for a direction on the respondents for allowing her to sell the left over stock of the spiced/country/foreign liquor of the said two months. The petitioner has also prayed for quashing the Memo No. 220, dated 10.5.2004 (Annexure-12), passed by the Superintendent of Excise, Sahebganj (respondent No. 3), whereby the representation filed by the petitioner has been rejected by the said respondent, directing her to deposit two months'' licence fee, only because the petitioner had inadvertently mentioned in the appeal, preferred before the Excise Commissioner, Ranchi that the said amount has not been paid.

2. According to the petitioner, the said authorities have not taken into consideration the record of the payment made and the certificate of the Bank showing the credit of the said amount into the State Account.

3. A detailed counter affidavit has been filed by the respondents but no clear statement has been made accepting or denying the said deposit of the amount of

Cheque No. 976578, dated 14.1.2003 said to be drawn on State Bank of India, Sahebganj and credited into the State Account as per the Bank''s certificate.

4. The impugned Annexure-12 is said to be issued by the Superintendent of Excise, Sahebganj, in which it has been mentioned that the license fee for two months amounting to Rs. 1,84,140/- has not been deposited by the petitioner. However, the said order does not mention the depositor''s name and the petitioner''s name of having deposited the amount by Cheque No. 976578, dated 14.1.2003 has not been mentioned.

5. The petitioner is aggrieved by the order for the reason of not considering the said deposit made by him through cheque dated 14.1.2003.

6. Considering ''the nature of the petitioner''s claim and material appearing on record, this writ application is disposed of directing the Excise Commissioner, Ranchi to look into the grievance of the petitioner and pass a reasoned order in accordance with law. The Excise Commissioner shall specifically find out as to whether the amount has been deposited by Cheque No. 976578, dated 14.1.2003 and the same has been credited into the State Account; and whether the said amount has been deposited against the license fee for the months of November and December. 2002. The Excise Commissioner shall also afford an opportunity to the petitioner to produce her document and other evidences in support of her claim. If the amount is found paid, as claimed by the petitioner, the same shall be adjusted in accordance with law. The said exercise be concluded and final order must be passed within a period of eight weeks.