
(2022) 04 PAT CK 0078

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 3271 Of 2022

Suman Sharan Srivastava

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 27-04-2022

Acts Referred:

Citation : (2022) 04 PAT CK 0078

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Surendra Kumar, Dr. K. N. Singh, Awadhesh Kumar Pandey

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

"That this writ application is being filed (i) For quashing the Notice No. 536 dated 19.01.2022 issued under the signature of Divisional Rail Manager (Commercial), East Central Railway, Samastipur by which the petitioner has been directed to deposit dues amount of Rs. 6,92,555/= for license fee from 8.11.2019 to 7.2.2022 + G. S. T. +Income Tax for 2nd and 3rd year +Surcharge for delay.

(ii) This writ application is also being filed for a direction to the respondents to consider the case of the petitioner in the matter of exemption the license fee for the Covid-19 period from 23.2.2020 to fee to 1.4.2021, and further modify the Demand notice dated-19.1.2022 to the extent that the petitioner has already deposited 4th instalment of the license fee on 13.1.2022 for the period 8.11.2019 to 7.2.2020.

This writ application is also being filed (iii) For holding that due to Covid pandemic, the stand allotted to the petitioner was completely closed and as such the petitioner servers to be given exemption from depositing license fee."

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the respondent no. 3 Divisional Rail Manager (Commercial), East Central Rail, Samastipur, to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

- (a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);
- (b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;
- (c) The order assigning reasons shall be communicated to the petitioner;
- (d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;
- (e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;
- (f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;
- (h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;
- (i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms. Interlocutory Application(s), if any, stands disposed of.