

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11851 of 2022

United Spirits Limited, a public limited company, having its registered office at U.B. Tower, 24, Vittal Mallya Road, Bangalore - 560001 through its Senior Manager and Authorized Signatory Mr Punjabi Singh, Male, aged about 54 years son of Late Brij Nandan Singh, resident of Hemja Rampur Dumrah, P.S. Panchmahla, District - Patna (Bihar) - 803301.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, 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 Enterprise, having its registered office at 1st Floor, Vidyut Bhawan- II, Jawaharlal Nehru Marg, Patna - 800001 through its Managing Director.
5. The General Manager, Operation - I, The Bihar State Beverage Corporation Limited, a Government of Bihar Enterprise, having its registered office at 1st Floor, Vidyut Bhawan- II, Jawaharlal Nehru Marg, Patna - 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Advocate Mr. Abhishek Anand, Advocate Ms. Kanu Priya, Advocate
For BSBCL	:	Mr. Vikash Kumar, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP-7

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 01-07-2024

In the instant petition, petitioner has prayed for the following reliefs:-

“i. Issuance of a writ of certiorari or any other appropriate writ(s), order (s), or direction, quashing the letter dated 19.07.2019 (First



Impugned Order), as contained in letter no. 361 (Annexure-14), by which the respondent no.5, has notified that demurrage charges has been imposed on the petitioner, for the stocks or liquor lying in its godown, during the period from April, 2016 to September, 2017 which had been supplied by the petitioner and its related manufacturers;

ii. Issuance of a writ of certiorari or any other appropriate writ(s), order(s), or direction, quashing the letter dated 09.03.2022 (Second Impugned Order), as contained in letter no. 178 (Annexure-16), by which the petitioner has been threatened with coercive action on failure to deposit the balance amount of demurrage charges imposed on it and its related manufacturers/suppliers;

iii. Direct the respondent no. 4 & 5 to refund a sum of Rs. 3,82,65,314.40, unlawfully adjusted from the impugned demand of demurrage charges imposed upon the petitioner;

iv. To restrain the respondents from taking any coercive steps for recovery of impugned Demurrage charges from the petitioner;

v. Pass such other order(s) as your Lordship may deem fit and proper in the facts and circumstances of the present case.”

2. On 08.05.2024, the following order was passed:-

Today, learned counsel for the respondents on instruction submitted that the



present matter is covered by orders of this Court dated 20.03.2024 passed in CWJC No. 7463 of 2020 (Molson Coors Cobra India Pvt. Ltd. vs. The State of Bihar & Ors.).

2. On the other hand, learned counsel for the petitioner insofar as prayer no. (iii) namely

"iii. Direct the respondent no. 4 & 5 to refund a sum of Rs. 3,82,65,314.40, unlawfully adjusted from the impugned demand of demurrage charges imposed upon the petitioner;"

3. It is submitted that the aforementioned amount is stated to be towards sale transaction by the Bihar State Beverage Corporation Limited on behalf of petitioner as an agency read with security deposit with Corporation. The aforementioned amount was required to be disbursed.

4. At this juncture, learned counsel for the respondents raised objection to the extent that he needs instruction in this regard.

5. Re-list this matter on 21.06.2024".

3. Thereafter, one more opportunity was given to the State-Respondent on 21.06.2024. Today also, learned counsel for the Respondents seeking time and it is declined for



the reasons that sufficient time was provided.

4. The impugned letter/order no. 361, dated 11.07.2019 (Annexure-14) and Letter/order no. 178, dated 09.03.2022 (Annexure-16) are set aside in the light of Coordinate Bench order dated 20.03.2024 passed in C.W.J.C. No. 7463 of 2020 in the case of *Malson Coors Cobra India Pvt. Ltd. Versus The State of Bihar and Ors.*

5. The concerned respondent is hereby directed to calculate which are dues to be paid to the petitioner and refund the same in accordance with law within a period of three months from the date of receipt of this order.

6. With the aforementioned directions, the present petition stands allowed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2024
Transmission Date	N.A

