

(2006) 10 PAT CK 0053

Patna High Court

Case No: CWJC No. 8805 of 2006

Sanjay Kumar and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision: Oct. 30, 2006**Citation:** (2007) 1 PLJR 188**Hon'ble Judges:** Samarendra Pratap Singh, J; Aftab Alam, J**Bench:** Division Bench

Judgement

@JUDGMENTTAG-ORDER

1. Heard Mr. Y.V. Giri, Senior Advocate appearing for the petitioners and Mr. Rajnandan Prasad, J.C. to the Advocate General representing the State. In the counter affidavit filed on behalf of the State the claim of the petitioners is not denied. As a matter of fact it cannot be denied as there is already an order passed by the Excise Commissioner allowing the petitioners' claim for refund for the days of extra closure of their respective retail vends. In the counter affidavit an attempt is made to explain the delay in making actual payments to the petitioners and in this regard it is stated that the petitioners too were at least partially responsible for the delay since they did not approach the authorities for payment for a long time.

2. We fail to understand the plea. In connection with their claims the petitioners filed cases before the Excise Commissioner which were allowed by orders, dated July 13 and 14, 1998. The payments ought to have been made to the petitioners within a short time from that date but the concerned authorities chose to sit over the matter. We are unable to accept that the responsibility for the delay in payment is attributable in anyway to the petitioners. Under the circumstances the concerned authorities are directed to make payments of the respective compensation amounts to the six petitioners alongwith simple interest @ 7% per annum within one month from the date of receipt/production of a copy of this order before the Assistant Commissioner Excise, Department of Excise and Prohibition, Govt, of Bihar, Patna/ the Collector, Patna.

3. It will be open to the Excise Commissioner to have an enquiry made to fix the responsibility for the delay in making payments to the petitioners as a result of which the State is saddled with the liability of interest and to take suitable action against the officer(s) responsible for the same. This writ petition stands disposed of with the aforesaid observations and directions.