

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18049 of 2024

M/S Great Eastern Hire Purchase Private Limited, a Private Limited Company having GSTIN-10AABCG1740K1Z4 and its office at 1st Floor, Ganesh Dutt Complex, New Dak Bunglow Road, P.S.- Gandhi Maidan, P.O- G.P.O Patna - 800001 through its Authorised Director Sri Mahendra Kumar Baid, Gender- Male, aged about 68 years, Son of Punam Chand Baid, Resident of 4F, Mohalla Moti Lal Nehru Road, Post Office - Sarat Bose Road Police Station- Rabindra Sarobar, Kolkatta, West Bengal -700029

... .. Petitioner

Versus

1. The State of Bihar through The Principal Secretary, State Tax, Bihar, Patna having its office at Kar Bhawan, Patna.
2. The Principal Secretary cum Commissioner, Department of State Taxes, Government of Bihar, Patna.
3. Joint Commissioner of State Tax, Gandhi Maidan Circle, Patna.
4. Deputy Commissioner of State Tax, Gandhi Maidan Circle, Patna
5. Assistant Commissioner of State Tax, Gandhi Maidan Circle, Patna.
6. Additional Commissioner of State Tax (Appeals), Patna West Division, Patna.
7. The Union of India, through the Under Secretary, Department of Revenue, Govt. of India, New Delhi.
8. The Government of India, Ministry of Finance (Department of Revenue), through the Principal Commissioner, CBIC, New Delhi.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Bijay Kumar Gupta, Advocate Mr. Alok Swaroop, Advocate Mr. Manish Kumar, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, AG Mr. Vivek Prasad, GP-7
For the UOI	:	Mr. Anshuman Singh, Sr. SC Mr. Shivaditya Dhani Sinha, Advocate
For the Resp No. 5	:	Mr. Sanjeev Kumar Mishra, Sr. Advocate Ms. Manini Jaiswal, Advocate Mr. Shubham Kumar Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

8 25-06-2025 Heard Mr. Bijay Kumar Gupta, learned counsel
assisted by Mr. Alok Swaroop, learned counsel for the petitioner



and Mr. P.K. Shashi, learned Advocate General assisted by Mr. Vivek Prasad, learned GP-7 for the State Respondents. Respondent no. 5 has entered appearance through Mr. Sanjeev Kumar Mishra, learned Senior Counsel assisted by Ms. Manini Jaiswal, learned Advocate.

2. This Court has considered the writ application and has passed a reasoned judgment dated 06.05.2025 as regards the legality and validity of Annexure 'P4' and 'P5' of the writ application. The operative part of the judgment dated 06.05.2025 as contained in paragraph '35' to '37' read as under:-

“35. While setting aside the impugned orders as contained in Annexures 'P4' and 'P5' of the writ application, the consequences shall follow. We issue notice to the Assistant Commissioner of State Tax, Gandhi Maidan Circle, Patna (Respondent No. 5) who passed the impugned order (Annexure 'P4') to show cause as to why this Court should not award interest and cost which would be recovered from her.

36. We also call upon the Appellate Authority, namely, the Additional 15-18049 Commissioner of State Tax (Appeals), Patna West Division, Patna (Respondent No. 6) to satisfy this Court as to why a proceeding for contempt be not initiated against him for acting in willful disobedience and disregard to the order of this Court passed in the case of **SIS Cash Services** (supra).

37. Let both the authorities, namely,



Respondent No. 5 and Respondent No. 6 file their response within two weeks from today.”

3. After the aforesaid judgment/order passed by this Court, the consideration remained only with respect to the award of interest and cost which may be allowed to the petitioner.

4. Pursuant to the notices issued to respondent no. 5 and respondent no. 6 calling upon them to show cause as to why appropriate proceeding be not initiated against them for their willful disobedience and disregard shown to the order of this Court passed in the case of **SIS Cash Services Private Limited vs. Union of India** in **CWJC No. 6514 of 2021** dated 24.01.2024.

5. Respondent no. 5 and respondent no. 6 have filed their respective show cause. Respondent no. 5 has taken a plea that the order dated 24.08.2023 was passed by her after verifying from the GST—BO Portal, Back office and the order dated 12.09.2019 has been passed in terms of Section 73 of the Central/Bihar Goods and Services Act, 2017. Relevant extract of the portal demand and collection register has been annexed as Annexure ‘R5/5’ to the show cause.

6. It is submitted by learned Senior Counsel for the respondent no. 5 that in fact the judgment of this Court in the



case of **SIS Cash Services** (supra) was not brought to the notice of Respondent no. 5. This Court, however, finds that what is being sought to be submitted orally has not been stated on affidavit in the show cause filed on behalf of respondent no. 5.

7. The show cause filed on behalf of respondent no. 6, however, contains an averment in paragraph '12' of the show cause that the law laid down by the Hon'ble Court in **SIS Cash Services** (supra) was never brought to the knowledge of the said respondent by the petitioner or by any other person. It is submitted that respondent no. 6 being Appellate Authority had no knowledge of any such law having been laid down by the Hon'ble Court. It is his submission that the petitioner had preferred statutory appeal on 30.01.2024 challenging the order dated 12.09.2019 whereby the impugned demand had been created. The petitioner prayed that the appeal be admitted in terms of the appeal amnesty scheme brought about by Notification No. 53 of 2023 CGST dated 02.11.2023. Respondent no. 6 rejected the appeal because the Notification No. 53 of 2023 covers only the order passed under Sections 73 and 74 and not those passed under Section 62.

8. Learned senior counsel for respondent no. 5 and respondent no. 6 submits that both the respondents have sought



unconditional apology and at the same time, they have disclosed the reason for passing of the impugned orders.

9. No rejoinder to the show cause filed on behalf of respondent no. 5 and respondent no. 6 has been filed by the petitioner, therefore, the statements made therein remained uncontroverted. In the circumstances, this Court accepts the reasons shown by respondent nos. 5 and 6. The notice for initiation of contempt is not required to be proceeded with.

10. Now, the issue remained with respect to interest and cost to the petitioner. The matter was heard and learned Advocate General sought time to seek instruction.

11. Today, when the matter has been called out, learned Advocate General submits on instruction that the State respondents shall pay simple interest at the rate of 9% per annum from the date of recovery of the amount till the date of refund.

12. Mr. Bijay Kumar Gupta, learned counsel for the petitioner accepts the offer made by learned Advocate General.

13. Accordingly, this Court directs the State respondents to pay simple interest at the rate of 9% per annum from the date of recovery of the amount till the date of refund to the petitioner. The said payment shall be made within a period



of six weeks from today.

14. In the facts and circumstances of the case, since we have noticed that the recovery was made illegally and that has resulted in litigation, we direct the respondents to pay cost of Rs.10,000/- (Rupees Ten Thousand Only) to the petitioner within the same period.

15. It is always open to the State Government to recover the interest and cost from the erring officials, if so desire.

16. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Ashok Kumar Pandey, J)

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