

GAHC010191302020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5794/2020

M/S APEEJAY TEA LIMITED (OWNER OF JABOKA TEA ESTATE)
A UNIT OF APEEJAY TEA LTD. A PUBLIC LTD. COMPANY INCORPORATED
UNDER THE CIMPANIES ACT, 1956, P.O. SONARI, DIST.
CHARAIDEO/SIVASAGAR, ASSAM, PIN-785690, REP. BY SRI KAUSHIK
SENGUPTA, ATTORNEY HOLDER OF M/S APEEJAY TEA LTD.

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF
COMMERCE AND INDUSTRY, UDYOG BHAWAN, NEW DELHI-110011.

2:THE JOINT SECRETARY
TO THE GOVT. OF INDIA
MINISTRY OF INDUSTRIES AND COMMERCE
DEPTT. OF INDUSTRIAL POLICY AND PROMOTION
NEW DELHI UDYOG BHAWAN
NEW DELHI-11011.

3:THE STATE OF ASSAM

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
DEPTT. OF INDUSTRIES AND COMMERCE DEPTT.
DISPUR
GUWAHATI-781006
ASSAM.

4:THE CHIEF SECRETARY
TO THE GOVT. OF ASSAM
INDUSTRIES AND COMMERCE DEPTT. ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006.

5:THE ADDL. CHIEF SECRETARY
TO THE GOVT. OF ASSAM
INDUSTRIES AND COMMERCE DEPTT. ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006.

6:THE CHAIRMAN

STATE LEVEL COMMITTEE
REP. BY ITS CHAIRMAN THE ADDL. CHIEF SECRETARY TO THE GOVT. OF
ASSAM
INDUSTRIES AND COMMERCE DEPTT. ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006

Advocate for the Petitioner : MR. D SAHU

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

26.07.2023

Heard Mr. R.S. Mishra, learned counsel for the petitioner; Ms. A. Gayan, learned Central Government Counsel [CGC] for the respondent nos. 1 & 2; and Mr. A. Kalita, learned Standing Counsel, Industry and Commerce Department, Assam for the respondent nos. 3 – 6.

2. Mr. Mishra, learned counsel for the petitioner has submitted that a similar claim made by M/s Apeejay Tea Limited [owner of M/s Talup Tea Estate] a unit of M/s Apeejay Tea Limited; in the writ petition, W.P.[C] no. 5497/2020 has been disposed of along with a batch of writ petition, by a common order dated 23.06.2022. The petitioner herein is M/s Apeejay Tea Limited [owner of M/s Jaboka Tea Estate] a unit of same M/s Apeejay Tea Limited, and the claim of the petitioner is similar to the one made in the writ petition, W.P.[C] no. 5497/2020.

3. The learned counsel for the parties have, in unison, submitted that the case of the petitioner herein is covered by the common order dated 23.06.2022 passed in the batch of writ petition including W.P.[C] no. 5497/2020. The relevant parts the common order dated 23.06.2022 reads as under :

The issue involved in all these writ petitions are common, viz. rejection of the petitioners' prayer for grant of Central Capital Investment Subsidy under the North East Industrial Promotion Policy-2007 [EIPP-2007] floated by the Central Government. The application for grant of such subsidy made by all the writ petitioners were earlier considered by the State Level Committee [SLC] headed by the Commissioner and Secretary, Industries and Commerce Department, Government of Assam and were rejected. Aggrieved by the orders of rejection, these writ petitions have been filed by the respective petitioners. According to the petitioners' counsel, their clients have been devastated by the ill effects of pandemic COVID-19 and the industries are virtually facing closure. Therefore, unless the prayer for grant of subsidy is considered expeditiously, it would lead to a catastrophic consequences for their enterprises.

Mr. Kalita, learned Standing Counsel, Industries and Commerce Department, Assam, has responded to the said submission by producing a copy of the written communication dated 17/06/2022 issued by the Under Secretary to the Government of India, Ministry of Commerce and Industries and submits that instructions have been issued by the Central Government to reconsider the claims made by 3 [three] of the writ petitioners, viz. petitioners in WP(C) 3989/2018, WP(C) 3990/2018 and WP(C) 1711/2019 and their cases will now be considered afresh in the next meeting of the SLC.

Since the other writ petitioners are also similarly situated having similar grievance, on instructions obtained from the departmental authorities, Mr. Kalita submits that the cases of the other writ petitioners will also be considered appropriately by the SLC in its next meeting. If that be so, it would not be necessary for this Court to enter into adjudication of the disputed issues involved in these writ petitions. With the consent of learned counsel for all the sides, I, therefore, dispose of all the writ petitions by providing that the claims of each of the writ petitioners shall be placed before the

next meeting of the SLC and thereafter, the same be considered in the light of the instructions issued vide letter dated 17/06/2022 and by keeping in mind the policy objectives.

Since all these writ petitions are being disposed of on the above mentioned submission of the learned departmental counsel, it is expected that the SLC will revisit/reconsider the claims of the petitioners objectively and consider the reliefs prayed for by the petitioners by adopting a positive approach and take appropriate decisions in accordance with the policy objectives.

With the above observations, all the writ petitions stand disposed of.

4. As the issue involved in the instant writ petition is similar to the one disposed of by the order 23.06.2022 passed in a batch of writ petition including W.P.[C] no. 5497/2020, this writ petition is also disposed of in similar terms.

JUDGE

Comparing Assistant