

GAHC010238152023



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

Case No. : WP(C)/6216/2023

M/S BURNIE BRAES TEA ESTATE
REP BY ONE OF THE PARTNER SUNIL KUMAR JAIN AGED 61 YEARS S/O LT
SOBHGAMALL JAIN R/O BURNIE BRAES P.O. BURNIE BRAES P.S
ALGAPUR DIST. HAILAKANDI ASSAM PIN 788801

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP BY THE COMMISSIONER DEPTT OF INDUSTRIES AND COMMERCE
GOVT OF ASSAM UDYGOG BHAWAN BAMUNIMAIDAM GUWAHATI 21

2:THE ADDL CHIEF SECRETARY
GOVT OF ASSAM INDUSTRIES AND COMMERCE DEPTT ASSAM D BLOCK
2 ND FLOOR ASSAM SECRETARIAT G S ROAD GUWAHATI 6

3:NORTH EASTERN DEVELOPMENT FINANCE CORPORATION LTD
REP BY THE CHAIRMAN AND MANAGING DIRECTOR NEDFI NEDFI
BHAWAN DISPUR GUWAHATI 6

4:THE UNION OF INDIA
REP BY THE SECRETARY MINISTRY OF INDUSTRY GOVT OF INDIA NEW
DELHI

5:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE DEPT HAILAKANDI DIST.
HAILAKAND

Advocate for the Petitioner : MS N SAIKIA

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 18-10-2023

Heard Ms. N Saikia, learned counsel for the petitioner. Also heard Mr. A Kalita, learned Standing Counsel, Industries and Commerce Department, Mr. RK Bhatra, learned counsel for the respondent No. 3 as well as Mr. SS Roy, learned counsel for the respondent No. 4.

2. The learned counsel for the submits that the petitioner, M/S Burnie Braes Tea Estate, along with other Tea Estate companies had filed various writ petitions, with regard to the rejection of their prayer for grant of Central Capital Investment Subsidy Scheme 2007 (NEIIPP 2007) floated by the Central Government. The petitioner's case was registered as WP(C) No. 1711/2019. WP(C) No. 1711/2019 was disposed of along with other cases, the leading case being WP(C) No. 5497/2020, vide a common order dated 23.06.2022, by directing the State Level Committee (SLC) headed by the Commissioner and Secretary, Industries and Commerce Department, Government of Assam to revisit/reconsider the claims of the petitioners objectively and take appropriate decisions in accordance with the policy objectives. In the said order dated 23.06.2022, this Court had also observed as follows:-

“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.”

3. The petitioner’s counsel submits that in pursuance to the common order dated 23.06.2022 passed in WP(C) No. 5497/2020, the petitioner’s case was reconsidered by the SLC and subsequently Rs.17,28,000/- was deposited in the petitioner’s account. However, the balance amount of Rs.19,31,000/- has not been deposited till date.

4. Mr. A Kalita, learned Standing Counsel, Industries and Commerce Department, Mr. RK Bhatra, learned counsel for the respondent No. 3 as well as Mr. SS Roy, learned counsel for the respondent No. 4 submit that the petitioner should file a representation before the appropriate authority claiming the balance amount due to him.

5. On hearing the learned counsels for the parties, this Court is of the view that the petitioner should file a representation before the respondent Nos. 1 and 2, with regard to its claim for the balance amount of Rs.19,31,000/-, allegedly due to the petitioner. Accordingly, liberty is granted to the petitioner to file a representation to the respondent Nos. 1 and 2 with regard to its grievance. If the petitioner files a representation alongwith a copy of this order, within a period of two weeks from today, the respondent Nos. 1 and 2 shall examine the same and make a reply to the petitioner’s representation in writing, within a period of one month from the date of receipt of the representation.

6. With the above observations and directions, this petition stands disposed of.

JUDGE

Comparing Assistant