

GAHC010012032019



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

Case No. : WP(C)/443/2019

M/S. OZONE AYURVEDICS, UNIT-II
A FIRM HAVING ITS OFFICE AND FACTORY AT EXPORT PROMOTION
INDUSTRIAL PARK (EPIP), AMINGAON, NORTH GUWAHATI CIRCLE. DIST.
KAMRUP, ASSAM REP. BY SRI DIPAK KUMAR SINGH.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
INDUSTRIES AND COMMERCE, DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER OF INDUSTRIES AND COMMERCE

UDYOG BHAWAN
BAMUNIMAIDAM
GUWAHATI-21
ASSAM.

3:THE GENERAL MANAGER

DISTRICT INDUSTRIES CENTRE AND COMMERCE
GUWAHATI-781021
ASSAM.

4:THE NORTH EASTERN DEVELOPMENT FINANCE CORPORATION (NEDFI)

DISPUR
GUWAHATI-781006.

5:STATE LEVEL COMMITTEE FOR IMPLEMENTATION OF INCENTIVES
UNDER INDUSTRIAL AND INVESTMENT POLICY

ASSAM
REP. BY ITS CHAIRMAN AND PRINCIPAL SECRETARY TO THE GOVT. OF
ASSAM
INDUSTRIES AND COMMERCE DEPTT.
DISPUR
GUWAHATI-06.

6:DIRECTOR OF INDUSTRIES AND COMMERCE CENTRE

KAMRUP
GUWAHATI
ASSAM.

7:UNION OF INDIA

REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF INDIA
MINISTRY OF INDUSTRIES AND COMMERCE
DEPTT. OF INDUSTRIAL POLICY AND PROMOTION
UDYOG BHAWAN
NEW DELHI

Advocate for the Petitioner : MS. M L GOPE, MS. N HAWELIA,MS. N GOGOI,MS. N MECH

Advocate for the Respondent : SC, INDUSTRIES AND COMMERCE, MR. M DUTTA (R-4),MS N
NATH (R-4)

Linked Case : WP(C)/435/2019

OZONE PHARMACEUTICALS LTD.
A COMPANY REGISTERED UNDER THE PROVISIONS OF THE COMPANIES
ACT
1956 READ WITH THE COMPANIES ACT
2013 AND HAVING ITS OFFICE AND FACTORY AT EXPORT PROMOTION
INDUSRIAL PARK (EPIP)
AMINGAON
NORTH GUWAHATI CIRCLE

DIST. KAMRUP
ASSAM
REP. BY SRI DIPAK KUMAR SINGH.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF INDUSTRIES AND COMMERCE

MINISTRY OF INDUSTRIAL DEVELOPMENT
DISPUR
GUWAHATI- 781006.

2:THE COMMISSIONER OF INDUSTRIES AND COMMERCE

UDYOG BHAWAN
BAMUNIMADAM
GUWAHATI -21
ASSAM

3:THE GENERAL MANAGER

DIST. INDUSTRIES CENTRE AND COMMERCE
GUWAHATI - 781021
ASSAM

4:THE NORTH EASTERN DEVELOPMENT FINANCE CORPORATION (NEDFI)

DISPUR
GUWAHATI - 781006.

5:STATE LEVEL COMMITTEE
FOR IPLEMENTATION OF INCENTIVES UNDER INDUSTRIAL AND
INVESTMENT POLITY OF ASSAM

REP. BY ITS CHAIRMAN AND PRINCIPAL SECRETARY TO THE GOVT. OF
ASSAM

INDUSTRIES AND COMMERCE DEPARTMENT

DISPUR
GUWAHATI -6.

6:DIRECTOR OF INDUSTRIES AND COMMERCE CENTRE

KAMRUP
GUWAHATI
ASSAM

7:UNION OF INDIA

REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF INDUSTRIES AND COMMERCE
DEPARTMENT OF INDUSTRIES POLICY AND PROMOTION
UDYOG BHAWAN

NEW DELHI.

Advocate for : MS. M L GOPE

Advocate for : SC

INDUSTRIES AND COMMERCE appearing for THE STATE OF ASSAM AND 6
ORS.

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

13.09.2024

Heard Ms. M. L. Gope, learned counsel and Ms. N. Hawelia, learned counsel for the writ petitioners in WP(C) 443/2019 and WP(C) 435/2019. Also heard Mr. N. Kalita, learned counsel appearing on behalf of Mr. Anjan Kalita, learned Standing Counsel, Industries and Commerce Department, State of Assam, Ms. A. Gayan, learned CGC on behalf of the Union of India and Mr. M. Dutta, learned Standing Counsel, NEDFI has appeared on behalf of the respondent (NEDFI).

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 (NEIPP-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 has already been considered afresh.

Since the present writ petitioners are also similarly situated having similar grievance, on instructions obtained from the departmental authorities, Mr. Kalita submits that the cases of the 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 both the 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, both the writ petitions stand disposed of.

JUDGE

Comparing Assistant