

GAHC010032522013



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

Case No. : WP(C)/7428/2013

M/S ISHWAR FOOD PRODUCTS PVT. LTD.
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956, REP. BY
ITS DIRECTOR SRI SANWARMAL AGARWAL, HAVING ITS REGISTERED
OFFICE AT TINGRAI HOOGRIJAN ROAD, PATIA PATHAR GAON, TINSUKIA.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PRINCIPAL SECY., INDUSTRIES and COMMERCE DEPTT.,
DISPUR, GHY- 6, ASSAM.

2:THE COMMISSIONER
INDUSTRIES and COMMERCE DEPTT.
DISPUR
GHY- 6.

3:THE PRINCIPAL SECRETARY
FOOD CIVIL SUPPLIES and CONSUMER AFFAIRS
DISPUR
GUWAHATI.

4:THE GENERAL MANAGER
DIST. INDUSTRIES and COMMERCE DEPTT.
TINSUKIA
DIST.- TINSUKIA

Advocate for the Petitioner : MRS.N SAIKIA

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

11.01.2024

Heard Ms. N. Saikia, learned counsel for the petitioner. Also heard Shri A. Kalita, learned Standing Counsel, Industries and Commerce Department.

2. The petitioner has put to challenge the legality and correctness of an order dated 05.09.2013 passed by the Department. The said order has been passed pursuant to a direction dated 23.04.2013 passed by this Court in WP(C) No. 5199/2012.

3. By the impugned order, the claim for subsidy of the petitioner company has been rejected on the ground that the unit comes under the negative list of the policy and therefore not entitled to any subsidy. To be precise, it has been held that the petitioner's unit is a "Roller Flour Mill" and "not a Flour Mill".

4. Shri Kalita, the learned Standing Counsel has referred to a number of documents which are part of the proceedings to contend that the unit is in fact a Rolling Flour Mill and therefore the speaking order does not suffer from any infirmity.

5. When this matter was taken up on the last occasion i.e. 04.01.2024, on the prayer of Ms. Saikia, learned counsel for the petitioner, time was granted to enable her to obtain instructions on this aspect.

6. Ms. Saikia, learned counsel for the petitioner has however submitted that complete instructions have not been furnished to her. She accordingly submits that she may be allowed to withdraw this writ petition however with liberty to file a fresh, if there are any materials to substantiate the plea that the Flour Mill in question is not a Roller Flour Mill but an ordinary Flour Mill.

7. Shri Kalita, learned Standing Counsel does not raise any objection in principle on the aforesaid prayer.
8. The writ petition accordingly stands dismissed on withdrawal however with liberty as prayed.

JUDGE

Comparing Assistant