

GAHC010043042020



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

Case No. : WA/85/2021

STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF INDUSTRIES AND COMMERCE, DISPUR, GUWAHATI-
781006, ASSAM

2: THE COMMISSIONER OF INDUSTRIES AND COMMERCE
ASSAM
UDYOG BHAWAN
BAMUNIMAIDAN
GUWAHATI-781021
ASSAM

3: THE DIRECTOR OF INDUSTRIES AND COMMERCE CENTRE
KAMRUP GUWAHAT

VERSUS

M/S EMAMI LIMITED AND 3 ORS
HAVING ITS REGISTERED OFFICE AT 687, ANANDAPUR, E.M. BYPASS,
KOLKATA-700107, AND ALSO HAVING AN UNIT AT ABHOYPUR, PO
COLLEGE NAGAR, NORTH GUWAHATI, GUWAHATI, ASSAM

2:SH. JASWANT SETHIA
GENERAL MANAGER (COMMERCIAL)
M/S EMAMI LIMITED
R/O NILGIRI APARTMENTS
HOUSE NO. 104H
ADABARI TINIRALI
GUWAHATI KAMRUP
ASSAM

3:THE UNION OF INDIA
REP. BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF INDUSTRIAL DEVELOPMENT

DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION
NEW DELHI.

4:THE NORTH EAST INDUSTRIAL DEVELOPMENT FINANCE
CORPORATION
DISPUR
GUWAHATI-781006
ASSAM

For the appellants : Mr. A. Kalita, Advocate
For the respondents : Dr. Ashok Saraf, Senior Advocate
Assisted by Mr. P.K. Bora, Advocate
For the respondent Nos.1 & 2
Mr. R.K.D. Choudhury, DSGI
For respondent No.3
Mr. G. Das, Advocate
For respondent No.4

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

30-05-2024

(Vijay Bishnoi, C.J.)

1. This writ appeal is filed by the appellants being aggrieved with the order dated 25.06.2019 passed by the learned Single Judge in WP(C) 4649/2013.
2. The respondents herein approached this Court by filing the aforesaid writ petition with the grievance that the State Level Committee of the Industries and Commerce Department has illegally refused to grant certain benefits to the respondents as per the policy, namely, North East Industrial and Investment Promotion Policy, 2007 (hereinafter referred to as "2007 Policy")
3. The learned Single Judge, after dealing with the provisions of the 2007 Policy in detail, came to the conclusion that the State Level Committee was not justified

in rejecting the claim of the respondents. After observing this, the learned Single Judge interfered with the resolution taken by the State Level Committee in its meeting held on 23.09.2011 and 24.09.2011 and remanded back the matter to the State Level Committee to re-determine the quantum of central capital investment subsidy, which the respondents are entitled to in terms of the policy and the scheme.

4. Having heard the learned counsel appearing for the parties at length, we are of the view that the order of the learned Single Judge dated 25.06.2019 is not liable to be interfered with as the same has been passed after taking into consideration relevant clauses of the 2007 Policy.

5. Learned counsel for the appellant State has submitted that certain clauses of the policy, which had been amended at the relevant time, were not taken into consideration by the learned Single Judge.

6. We are of the view that the learned Single Judge, while remanding the matter to the State Level Committee, has given a specific direction to re-determine the case of the respondents in terms of the policy and the scheme, i.e. the policy and the scheme which were in force at the relevant time. Hence, the State Level Committee is required to re-determine the case of the respondents in terms of the policy and the scheme in vogue and in the light of the impugned order passed by the learned Single Judge.

With this observation, this intra-Court appeal is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant