GAHC010082212024

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

Case No. : WP(C)/2205/2024

DERBY PLANTATIONS PVT LTD (UNIT DERBY TEA ESTATE)
A COMPANY DULY INCORPORATED UNDER THE COMPANIES ACT, 1956 HAVING ITS REGISTERED OFFICE AT CONTINENTAL CHAMBERS, 4TH FLOOR, 15A, HEMANTA BASU SARANI, KOLKATA- 700001 OWNING DERBY TEA ESTATE AT P.O. DERBY- 788112, DISTRICT- CACHAR, ASSAM, DULY REPRESENTED BY ITS ONE OF THE DIRECTORS, NAMELY, SHRI DEVENDRA KUMAR MANTRI, SON OF LATE GOVIND PRASAD MANTRI, A RESIDENT OF GOVIND DHAAM, 3C, RONALDSHAY ROAD, ALIPORE, KALKATA- 700027, WEST BENGAL

VERSUS

THE UNION OF INDIA AND 5 ORS
DULY REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY (DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE), UDYOG BHAWAN, NEW DELHI- 110011

2:THE JOINT SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY (DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE)
UDYOG BHAWAN
NEW DELHI- 110011

3:THE STATE OF ASSAM
DULY REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
INDUSTRIES AND COMMERCE DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6

4:THE COMMISSIONER OF INDUSTRIES AND COMMERCE
ASSAM
UDYOG BHAWAN
BAMUNIMAIDAM
GUWAHATI- 781021

5:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
BAMUNIMAIDAM
GUWAHATI- 781021

6:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
CACHAR
SILCHA

Advocate for the Petitioner : MR S K KEJRIWAL

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

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

26.04.2024

1. Heard Mr. S.K. Kejriwal, learned counsel for the petitioner, who submits that the respondents should be directed to give interest subsidy to the petitioner in terms of the Central Interest Subsidy Scheme, 1997 and Central Interest Subsidy Scheme, 2007 (hereinafter referred to as the 'CISS,1997 and CISS, 2007'), for the period prior to 18.06.2014, as per the order dated 03.06.2018, passed in WP(C) No. 2012/2014 and order dated 22.03.2024, passed in WP(C) No. 5647/2019. He submits that the petitioner had made a claim for disbursement of the interest subsidy in terms of the above 2 schemes prior to 18.06.2014 and as such, he is entitled to the said subsidy in terms of the 2 schemes.

2. Mr. H. Gupta, learned counsel appearing for the respondent Nos. 1 & 2 and Mr. A. Kalita, learned Standing Counsel for the respondent Nos. 3 to 6 submit that so long as the petitioner has made a claim for payment of interest subsidy in terms of the CISS, 1997 and CISS, 2007 prior to 18.06.2014, the petitioner may be entitled to the interest subsidy scheme in terms of the orders referred to above.

3. In view of the submissions made by the counsels for the parties and after perusing the order dated 03.06.2018 passed in WP(C) 2012/2014 and the order dated 22.03.2024 passed in WP(C) 5647/2019, the respondents are directed to verify as to whether the petitioner has made his claim for payment of interest subsidy in terms of the above 2 schemes prior to 18.06.2014 and if he is entitled to the same, the said interest subsidy should be given to him in terms of the CISS, 1997 and CISS 2007 for the period prior to 18.06.2014 by way of a speaking order. The same should be done within a period of 3(three) months from the date of receipt of a certified copy of this order.

4. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant