

GAHC010120282013



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

Case No. : WP(C)/4898/2013

M/S ISHWAR FOOD PRODUCTS PVT. LTD.
REP. BY ITS DIRECTOR, SRI SANWAL MAL AGARWAL, S/O- LT. CHETRAM
AGARWAL, R/O- TINSUKIA TOWN, P.O. and DIST.- TINSUKIA, ASSAM.

VERSUS

THE UNION OF INDIA and 4 ORS
REP. BY THE SECY., MINISTRY OF COMMERCE and INDUSTRY, GOVT. OF
INDIA, UDYOG BHAWAN, NEW DELHI.

2:THE PRINCIPAL SECY. GOVT. OF ASSAM
DEPTT. OF INDUSTRIES
DISPUR
GHY- 6.

3:NEDFI
REP. BY THE CHAIRMAN and MANAGING DIRECTOR
NEDFI BHAWAN
DISPUR
GHY- 6.

4:THE COMMISSIONER OF INDUSTRIES and COMMERCE DEPTT.
GOVT. OF ASSAM
UDYOG BHAWAN
BAMUNIMAIDAN
GHY- 21.

5:THE ADDL. DIRECTOR US
DIRECTORATE OF INDUSTRIES and COMMERCE
ASSAM
GHY- 21

Advocate for the Petitioner : MRS.P GOSWAMI

Advocate for the Respondent : MR.P DAS

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

ORDER

04-01-2024

Heard Ms. N. Saikia, learned counsel for the petitioner. Also heard Shri A. Kalita, learned Standing Counsel, Industries and Commerce Department whereas Shri G. Das, learned counsel is present for the NEDFi.

The matter pertains to a claim for transport subsidy.

This Court has however been apprised by the learned counsel for the petitioner that during the pendency of this writ petition, an amount of Rs.15,07,973/-(Fifteen Lakh Seven Thousand Nine Hundred Seventy Three) which was approved by the State Level Committee has been deposited to the NEDFi. Subsequently, out of the aforesaid amount, Rs.9,23,021/- (Rupees Nine Lakh Twenty Three Thousand Twenty One) has been released to the petitioner by the Department of Industrial Policy and Promotion, Government of India. This Court has also been apprised that so far as the balance of Rs.6,47,952/- (Rupees Six Lakhs Forty Seven Thousand Nine Hundred Fifty Two) is concerned, due to certain dues with the Tax Department, that has been held back.

Ms. Saikia, the learned counsel for the petitioner has however submitted that the said dues have also been cleared and in this regard she has placed on record certain documents in support of the said plea.

Both Shri Kalita and Shri Das, the learned counsel for the respondents do not have complete instructions in this regard.

In view of above, this Court is of the opinion that the writ petition can be disposed of by making the following directions.

The petitioner may submit copies of the supporting documents with regard to the

plea of clearing the dues of the Taxation Department through the appropriate authorities within a period of 7 days from today and upon such receipt, the matter may be examined and thereafter appropriate steps be taken for release of the balance amount in question. The appropriate authority is also required to pass a speaking order. The entire exercise be completed within a period of 21 days for the date of receipt of the application.

Writ petition accordingly disposed of.

JUDGE

Comparing Assistant