

GAHC010175492024



2024:GAU-AS:9649

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

Case No. : WP(C)/4367/2024

CARBON RESOURCES PVT. LTD.,
A PRIVATE LIMITED COMPANY HAVING ITS REGISTERED OFFICE AT 55B,
MIRZA GHALIB STREET, KOLKATA- 700016 AND ITS FACTORY AT
VILLAGE KUKURMARI, DHALIGAON, P.O. DHALIGAON IN THE DISTRICT
OF CHIRANG (BTAD), PIN- 783385, ASSAM, REPRESENTED BY MR.
MAHENDRA SHARMA, PRESIDENT FINANCE AND ACCOUNTS OF THE
COMPANY

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF COMMERCE AND INDUSTRY, DEPARTMENT OF INDUSTRIAL
POLICY AND PROMOTION, UDYOG BHAWAN, NEW DELHI- 110107

2:THE JOINT SECRETARY
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION
UDYOG BHAWAN
NEW DELHI- 110107

3:THE UNDER SECRETARY
GOVERNMENT OF INDIA
DEPARTMENT OF PROMOTION OF INDUSTRIES AND INTERNAL TRADE
COMMISSIONER
NEW DELHI- 110107

4:THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
INDUSTRIES AND COMMERCE DEPARTMENT
DISPUR

GUWAHATI- 781006

5:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
TINSUKIA

6:THE EMPOWERED COMMITTEE
FOR THE CENTRAL CAPITAL INVESTMENT SUBSIDY SCHEME UNDER
THE NORTH EAST INDUSTRIAL AND INVESTMENT PROMOTION POLICY
2007 HEADED BY THE SECRETARY
INDUSTRIAL POLICY AND PROMOTION
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION
UDYOG BHAWAN
NEW DELHI- 11010

Advocate for the Petitioner : DR. ASHOK SARAF, B SARMA,MR. G. DUTTATRAY,MR P K BORA,MR S J SAIKIA,MR. N N DUTTA,MR P BARUAH

Advocate for the Respondent : SC, INDUSTRIES AND COMMERCE,

BEFORE

THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

Order

24.09.2024

Heard learned counsel for the parties.

This writ petition is filed challenging the impugned communication dated 08.12.2024 issued by the under Secretary to the Govt. of India, Department of Promotion of Industry and Internal Trade to the Commissioner of Industries and Commerce, Government of Assam whereby it was informed that the Central Capital Subsidy Claim of the petitioner cannot be accepted to as the product manufactured by the petitioner units fall under the negative list of NEIIPP, 2007. It is the contention of the petitioner that Government has wrongly denied the benefit under NEIIPP, 2007 to the petitioner by attempting to change aforesaid policy. The another contention of the petitioner is that authorities had failed to consider that NEIIPP was announced after

approval from Cabinet and impugned communication has the effect of denying benefits assured under NEIIPP, 2007.

The issue raised in this writ petition has already been determined and decided by this court in WP(C) 6416/2016 and other connected writ petitions.

Accordingly, this writ petition is disposed of in terms of the determination made in the aforesaid judgment and order dated 24.09.2024 passed in WP(C) 6416/2016 and other connected writ petitions.

JUDGE

Comparing Assistant