

GAHC010177642020



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

Case No. : WP(C)/5632/2020

M/S CACHAR ISPAT PVT LTD AND ANR.
HAVING ITS OFFICE AT ARIHANT, CENTRAL ROAD, SILCHAR, ASSAM,
REP. BY ITS DIRECTOR, SMTI. GULAB DEVI SURANA (69 YEARS), W/O- LT.
KANHAIYALAL SURANA, R/O- H.NO. 12, M.S.ROAD, FANCY BAZAR, GHY-
01, DIST.- KAMRUP (M), ASSAM

2: LADI STEEL INDUSTRIES PRIVATE LTD.
HAVING ITS REGISTERED OFFICE AT 12
M S ROAD
FANCY BAZAR
GUWAHATI-781001
ASSAM
REP. BY ITS DIRECTOR SHRI RAKESH KUMAR SURANA (59 YEARS)
S/O LT. SURAJMAL SURANA
R/O 12
M.S. ROAD
FANCY BAZAR
GUWAHATI-781001
ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE UNDER SECY. TO THE GOVT.OF INDIA, MINISTRY OF
INDUSTRIES AND COMMERCE, DEPTT. OF INDUSTRIAL POLICY AND
PROMOTION, UDYOG BHAWAN, NEW DELHI- 11

2:THE STATE OF ASSAM
REP. BY ITS SECY. TO THE GOVT. OF ASSAM
DEPTT. OF INDUSTRY AND COMMERCE
JANATA BHAWAN
DISPUR
GHY-6

3:COMM. OF INDUSTRIES AND COMMERCE
ASSAM
INDUSTRIAL ESTATE
BAMUNIMAIDAM
GHY-22

4:GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
CACHAR
SILCHAR
ASSAM

5:DY. GENERAL MANAGER (F AND A)
NORTH EASTERN DEVELOPMENT FINANCE CORPORATION LTD. (NEDFI)
NEDFI HOUSE
G.S.ROAD
DISPUR
GHY-

Advocate for the Petitioner : MR. N DAS

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

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO
ORDER

17.05.2024

Heard Mr. B K Das, learned counsel for the petitioner and Mr. A Kalita, learned Standing Counsel, Industries & Commerce Department appearing for the respondent Nos. 2, 3 & 4. Having regard to the nature of the case projected by the petitioner, the writ petition is taken up for disposal with the consent of the parties.

It is the case of the petitioner that it is a private limited company

registered under the provisions of the Companies Act, 1956 as well as small scale industries under the respondent No. 3. The petitioner company mainly engaged itself in manufacturing M.S Ignots (Mild Steel Ignots) and started its commercial production w.e.f., 03.02.2006. According to the petitioner, it is entitled to certain subsidy towards transportation under the Transport Subsidy Subsidy Scheme of 1971. The claim of the petitioner was recommended by the General Manager, District Industries & Commerce Centre, Cachar (respondent No. 4). However, when the claim was examined by the 57th State Level Committee for Transport Subsidy Scheme, 1971, which was held on 31.12.2019, the claim of the petitioner came to be rejected on the ground that when field verification was conducted on 04.09.2018, the unit was found closed and therefore, the authenticity of the claim cannot be established and therefore the claim for subsidy was rejected. It is, however, the claim of the petitioner that the Transport Subsidy claims are for a period w.e.f. 01.01.2008 to 31.12.2010 which comprises of total 11 claims in all. The learned counsel for the petitioner submits that as per the Letter dated 19.11.2016 written by the General Manager, DIC, Cachar, Silchar to the Commissioner of Industries and Commerce, the letter confirmed the physical existence of the petitioner company with a certificate on physical verification made on 12.11.2016, the unit of the company was found to be functioning. He submits that it is only w.e.f. 19.02.2018 that the unit of the

company had stopped functioning. The learned counsel submits that in two similar cases, a Co-Ordinate Bench of this Court vide common order dated 21.11.2023 passed in WP(C) No. 1603/2021 and WP(C) No. 4912/2019 (Duroply Industries Limited vs. Union of India & 5 Ors.) directed that the claim of the petitioners therein be re-examined by the State Level Committee. The learned counsel submits that the case of the present petitioner is squarely covered by the said order. The learned counsel further submits that during the pendency of this writ petition, the original unit of the company has merged with LADI Steel Industries Pvt. Limited on 09.09.2022 who is impleaded as petitioner No. 2 as permitted by this Court. The unit of the company is now operating as LADI Steel Industries Pvt. Limited.

In view of above, considering the materials available on record and the submissions made by the parties and importantly, the Order dated 21.11.2023 passed in a case of similar nature, the writ petition is disposed of with a direction to the State Level Committee to decide upon the claim made by the petitioner in respect of the 11 claims as reflected in the meeting minutes of the State Level Committee dated 31.12.2019. If the State Level Committee has any doubt in respect of any claim made by the petitioner, an opportunity shall be given to the petitioner to explain and clarify such doubts. The exercise be

completed by the State Level Committee within a period of 6 (six) months from the date of receipt of a certified copy of this order to the Commissioner, Industries & Commerce, Govt. of Assam. Needless to state herein that the decision in respect of the petitioner as reflected in the 57th State Level Committee dated 31.12.2019 stands interfered with accordingly.

JUDGE

Comparing Assistant