

GAHC030004392022



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

Case No. : WP(C)/104/2022

Lallura Pachuau
S/o Thangthiauva(L)
Proprietor of LZ Bamboo Industry
R/o Ramhlun North, Aizawl.

VERSUS

The State of Mizoram and 3 Ors.
Aizawl. 2:The Secretary to the GOM
Commerce and Industries Deptt.

3:The Director
Commerce and Industries Deptt.
GOM

4:The Managing Director
Zoram Industrial Development Corporation Ltd. (ZIDCO

Advocate for the Petitioner : Mr Aldrin Lallawmzuala

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1-4

ORDER
BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

14.10.2024

Heard Mr. Aldrin Lallawmzuala, learned counsel for the petitioner and Ms. Linda L. Fambawl, learned Addl. Advocate General appearing for the respondent Nos. 1 to 4. It is the case of the petitioner that he submitted an application to ZIDCO for sanctioning of term loan amounting to Rs. 74 lakhs and accordingly, the same was sanctioned to him vide letter dated 25.08.2006 issued by the Managing Director, ZIDCO (Annexure-1). The petitioner and the ZIDCO thereafter executed a Deed of Agreement on 30.08.2006 with certain terms and conditions for repayment of the said loan. According to the petitioner, out of the 74 lakhs sanctioned for loan, he has been given Rs. 44,50,000/- only. The petitioner has also mortgaged his LSC No. 103301/01/221 of 2003 and he has repaid an amount of Rs. 11,10,000/- from the loan sanctioned to him to the respondent No. 4.

[2.] It is the case of the petitioner that as many as 9 Bamboo Chipping Units under the Bamboo Development Agency (BDA) were also given term loan but the loans taken by them have been waived pursuant to the 21st General Body Meeting of BDA held on 13.10.2017 under the Chairmanship of the Chief Secretary, Govt. of Mizoram. In the said meeting it was resolved that the method of giving out Grants-

in-Aid as loan was faulty. That the funds already given to the entrepreneurs in the form of loan were not really so and considering the source of funds, they were more in the nature of grants. This position was reaffirmed and consequently, the Bamboo Chipping Units which were already discontinued were to be closed down unless the entrepreneur concerned was willing to revive the unit concerned. Thereafter, pursuant to the said General Body Meeting Resolution, the loan given to the 9 Bamboo Chipping Units under the BDA from BAFFACOS and ASIDE Schemes under the Govt. of Mizoram were waived considering then nature of source of funds.

[3.] Mr. Aldrin Lallawmzuala, learned counsel for the petitioner submits that loan was given to the petitioner from the grant of Rs. 630 lakhs sanctioned for the BAFFACOS Scheme under the 12th Finance Commission during 2005-2006. Therefore, if the loan of 9 Bamboo Chipping Units under the BDA can be waived, the petitioner should also be given a similar benefit as he is similarly placed in all respect.

[4.] Ms. Linda L. Fambawl, learned Addl. Advocate General on the other hand submits that the 9 Bamboo Chipping Units were under the BDA whereas the petitioner has been sanctioned loan by the ZIDCO. Therefore, it is between the petitioner and ZIDCO and BDA has no role to play in the instant case.

[5.] Upon hearing the learned counsels for the rival parties and on perusal of the materials available on record, it is seen that the benefit of waiver of loan was granted to the 9 Bamboo Chipping Units under the BDA and that the loan amount admittedly were sanctioned/obtained from the BAFFACOS Scheme and under the 12th Finance Commission of 2005-2006. That ZIDCO had also got the benefit of the fund under the 12th Finance Commission and therefore it prima facie appears that the case of the petitioner is similar to the other Bamboo Chipping Units under the BDA whose loans had been waived, keeping in mind the source of the fund.

[6.] Considering the above position, the petitioner shall submit a concise representation incorporating all the relevant materials in support of his case before the Secretary to the Govt. of Mizoram, Commerce & Industries Department (respondent No. 2), who shall then convene a meeting comprising of the respondent Nos. 3 & 4 apart from any other appropriate authority or officials as may be required and also importantly in consultation with the respondent No. 1 to examine and consider the case projected by the petitioner for waiver of the loan that he has taken, keeping in mind the benefit of waiver given to the 9 Bamboo Chipping Units under the BDA as already reflected in the preceding paragraphs. The petitioner should file his representation within a period of two (2) weeks from today and the respondent No. 2 upon receipt of the same shall carry out the exercise as directed herein above within a period of two (2) months from the date

of receipt of the representation and shall pass a speaking and reasoned order. A copy of the order to be passed should be given to the petitioner.

[7.] With the above observations and directions, the writ petition stands disposed.

JUDGE

Comparing Assistant