

S.No. 115

Regular List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP (C) 539/2022 c/w
CCP(S) 356/2022

KHURSHEED AHMAD SOFI
 S/O GH. AHMAD SOFI
 R/O SUMBAL BANDIPORA,
 (PROP: M/S NEW HARMUKH INDUSTRIES IGC
 LASSIPORA, INDUSTRIAL ESTATE IGC
 LASSIPORA,PULWAMA)

...Petitioner(s)/Appellant(s)

Through: Mr. Syed Sajad Geelani, Advocate

Vs.

1. GOVT. OF JAMMU AND KASHMIR
THOROUGH PRINCIPAL SECRETARY TO
GOVT. INDUSTRIES AND COMMERCE
CIVIL SECRETARIAT, JAMMU/SRINGAR
2. DIRECTOR INDUSTRIES AND COMMERCE,
GOVT OF JAMMU AND KASHMIR,
SANATGARH BEMINA SRINAGAR
3. STATE LEVEL COMMITTEE (SLC),
INDUSTRIES AND COMMERCE
DEPARTMENT THROUGH DIRECTOR
INDUSTRIES AND COMMERCE AS
MEMBER SECRETARY, SANATGARH
BEMINA SRINAGAR
4. DR.JOZI, ARA CHIEF ACCOUNTS OFFICER
DIRECTORATE OF INDUSTRIES AND
COMMERCE SANATGARH BEMINA
SRINGAR.
5. GENERAL MANAGER, DISTRICT
INDUSTRIES CENTRE, PULWAMA.

...Respondent(s)

Through: Mr.Waseem Gul, GA

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL,JUDGE

ORDER

28-07-2025

1. The brief case of the petitioner, as stated in the petition, is that the petitioner had applied before respondent No. 5 on 22.09.2017 for grant of incentive/formal registration under the Industrial Policy, 2016. As per Clause 4.3 of the said policy, it was obligatory upon the concerned authority to grant formal registration within ten days from the date of application. The Industrial Policy, 2016 was

applicable to the petitioner's unit at the relevant point of time. A revised policy introduced in 2021 retained the regulations prescribed in the 2016 Policy.

2. It is stated that the respondent No. 5 granted formal registration to the petitioner within the prescribed time limit vide No. DIC/CIS/2017-142 dated 25.09.2017. Consequent upon such registration, the respondent No. 5 processed the petitioner's case for sanction and release of Capital Investment Subsidy (CIS) under the 2016 Policy and forwarded a proposal to respondent No. 2 for further submission to respondent No. 3, vide communication No. DICPUL/CIS/18/440 dated 12.05.2018.

3. Since the respondents failed to release the admissible incentive as per the Industrial Policy of 2016, the petitioner filed the present writ petition seeking, *inter alia*, the following reliefs:

- i. A writ of Mandamus, directing the respondents to sanction and release the Capital Investment Subsidy (CIS) in favour of the petitioner in terms of the Industrial Policies of 2016 and 2021;
- ii. A writ of Mandamus, directing respondent No. 1 to fix responsibility upon erring officials for causing delay, and to initiate an enquiry against respondent No. 4 for rendering the Industrial Policy ineffective and obstructing industrial growth in the Kashmir region;
- iii. Any other writ, order or direction, deemed fit and appropriate in the facts and circumstances of the case.

4. On the very first date of hearing i.e., 24.03.2022, this Court passed the following interim order:

“In the meantime, subject to objections and till next date before the Bench, the eligibility of the petitioner for grant of Capital Investment Subsidy in terms of Industrial Policy of 2016 read with Industrial Policy of 2020 be determined during the notice period.”

5. In compliance with the aforesaid order dated 24.03.2022, respondents 1 to 3 filed a compliance report along with a consideration order dated 22.09.2022. It was stated therein that the case of the petitioner shall be placed before the State Level Committee (SLC) along with complete facts for determination of the eligibility of the petitioner's unit for grant of Capital Investment Subsidy in terms of the Industrial Policy, 2016 and IDS Policy, 2017.
6. However, despite the issuance of the said consideration order on 22.09.2022, a period of nearly three years has elapsed, and it is not clear whether the case of the petitioner has been placed before the said Committee, or whether the eligibility of the petitioner for grant of subsidy has been determined.
7. In light of the above and the stand taken by the respondents, this Court is of the considered view that no fruitful purpose will be served by keeping the petition pending. Accordingly, the present petition is disposed of with the following directions:
- i. Respondents shall place the petitioner's case before the State Level Committee (SLC) within a period of two weeks from today.
 - ii. The said Committee shall consider and decide the petitioner's claim for Capital Investment Subsidy in terms of the Industrial Policy, 2016 and IDS Policy, 2017 within a further period of four weeks thereafter.
 - iii. Before taking a final decision, the petitioner shall be provided an opportunity of being heard and permitted to submit any relevant documents, if so required.

- iv. The decision so taken shall be communicated to the petitioner through registered post within one week thereafter.

8. The petition is, accordingly, disposed of in the above terms.

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9. In view of the disposal of the main writ petition, the connected contempt petition arising out of the interim order dated 24.03.2022, also stands disposed of. Proceedings are closed and rule, if any, issued, shall stand discharged.

10. It is made clear that, in the event of failure on the part of the respondents to comply with the above directions within the time stipulated, the petitioner shall be at liberty to initiate fresh contempt proceedings against the respondents.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
28-07-2025
Mubashir