

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.6535 of 2025
Date of Decision: 07.10.2026

M/s Pritika Auto Industries Ltd.

.....Petitioner

Versus

Union of India and Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Ajay Vaidya, Advocate.

For the Respondents: Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate, for respondent No.1.

Mr. Vijay Kumar Arora, Senior Advocate with Mr. Aditya Bharat, Mr. Hitansh, Ms. Avantika and Ms. Rashita, Advocates, for respondents No. 2 & 3.

Sandeep Sharma, J. *(Oral)*

By way of instant petition, petitioner has prayed for following main reliefs:

- "i. Issue writ of certiorari quashing impugned order dated 03.02.2025 (Annexure P-17).
- ii. issuance of a writ, direction or order in the nature of mandamus, directing the respondents to allow the claim applications of the petitioners, for the periods claimed in the application accordance with the scheme of budgetary support with interest;
- iii. Issue writ of Mandamus directing the Respondent to sanction the refund along with interest;"

2. Though respondents No. 1 to 3 have filed reply refuting therein claim of the petitioner, but, before the case at hand could be heard and decided on merit, learned counsel representing the parties have placed on record copy of judgment passed by the High Court of Sikkim in **Writ Appeal No. 09 of 2023**, titled as **Zydus Wellness Products Limited versus Union of India and Others**, decided on 13.12.2024, wherein similar issue, as is sought to be decided in the instant proceedings, has already been decided by the aforesaid Court.

3. Having carefully perused the aforesaid judgment passed by the High Court of Sikkim vis-a-vis issue sought to be decided in the instant proceedings, especially the relief clause, this Court has no hesitation to conclude that the issue, which is sought to be decided in the instant proceedings, already stands adjudicated in **Zydus Wellness Products Limited** (supra), which has been further upheld by the Hon'ble Apex Court in **Special Leave to Appeal (C) Nos. 18008-18009/2025**, titled as **Union of India & Ors versus Zydus Wellness Products Ltd.**

4. Precisely, the case of the petitioner as has been highlighted in the petition and further canvassed by Mr. Ajay Vaidya, learned counsel representing the petitioner is that in terms of Budgetary Support Scheme (hereinafter referred to as 'Scheme'), the petitioner company is entitled to benefits under the aforesaid scheme even after amalgamation with another

entity. To substantiate his aforesaid submission, he specifically invited attention of this Court to circular No. 960/03/2012-CX.3, dated 17.02.2012 (Annexure P-4), issued by Ministry of Finance, Government of India, Department of Revenue, Central Board of Excise and Customs, New Delhi, wherein under condition No. 3, it is stated as under:

"3. The above issues have been examined by the Board. As the exemption is extended to a 'Unit', any change in its ownership would not jeopardize the admissibility of exemption for the remaining part of the ten year exemption period subject to the condition that the new owner exercises his option in writing to avail of the benefit of the exemption Notification before effecting the first clearance."

5. To the contrary, Mr. Vijay Kumar Arora, learned Senior Advocate representing the Department of Central Excise, specifically referred to notification dated 05.10.2017 (Annexure P-5), especially clauses 6 and 10 of the Scheme. Clause 6 deals with inspection of the eligible unit and clause 10 deals with residual issues relating to the scheme and provides that residual issues, if any, shall be decided by DIPP, Ministry of Commerce and Industry, whose decision shall be final and binding.

6. While referring to the impugned order dated 03.02.2025 (Annexure P-17) passed in the instant proceedings, Mr. Arora, specifically referred to communication dated 20.10.2021, which has been reproduced in the aforesaid order, to state that specific clarification was sought from

Ministry of Commerce, Government of India in view of clause 10, wherein it came to be clarified that as per scheme/guidelines, if any, a unit goes for relocation, expansion and change in ownership, is not eligible under the scheme of budgetary support.

7. Having taken note of the aforesaid precise submissions made at the behest of learned counsel representing the parties vis-a-vis issue otherwise sought to be decided in the instant proceedings, this Court finds that High Court of Sikkim has already dealt with the aforesaid submissions, issue and clarification and as such, this Court finds no need to go into these issues again, rather can dispose of the present petition by making directions contained in the judgment passed by High Court of Sikkim *mutatis mutandis* applicable to the facts and circumstances of the present case.

8. Consequently, In view of the above, present petition is allowed and the impugned order dated 03.02.2025 (Annexure P-17) is quashed and set aside and the respondents are directed to consider the case of the petitioner afresh in light of observations and findings returned by the High Court of Sikkim, which has otherwise attained finality, expeditiously, preferably within a period of eight weeks. Needless to say, authority concerned while doing the needful shall afford an opportunity of hearing to

the petitioner and pass appropriate order. In the aforesaid terms, present petition is disposed of along with pending applications, if any.

October 07, 2026

(manjit)

**(Sandeep Sharma),
Judge**