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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7303-2024**Date of Decision :07.07.2026****M/S SALASAR WAREHOUSING**

.....Petitioner

VERSUS**STATE OF HARYANA AND ANOTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aashish Chopra, Sr. Advocate assisted by
Mr. Varun Aryan Sharma, Advocate,
for the petitioner.

Mr. Vivek Chauhan, Addl.A.G., Haryana.

KULDEEP TIWARI, J.(Oral)

1. Petitioner's claim for release of benefit as per the notification dated 28.05.2019 issued by the Industrial and Commerce Department, Haryana (Annexure P-1), in pursuance to the Haryana Logistic, Warehousing and Retail Policy, 2019, was rejected by the Director General, Industries and Commerce, Haryana, vide order dated 20.11.2023 (Annexure P-9), by passing a totally non-speaking order, and the appeal preferred by the petitioner company, was also dismissed vide order dated 22.02.2024 (Annexure P-13), which propelled the petitioner company, to approach this Court, through the instant petition, cast under Article 226 of the Constitution of India, to challenge the legality and validity of aforesaid orders.

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2. Learned senior counsel for the petitioner-company submits that, by virtue of the notification dated 28.05.2019, the Industries and Commerce Department, Government of Haryana, extended various incentives to eligible persons/entities, including reimbursement of 100% of the stamp duty paid on eligible transactions.

3. He further submits that the petitioner-company, being fully eligible under the aforesaid notification, applied for reimbursement of 100% of the stamp duty. However, its claim was rejected by the Director General, Industries and Commerce, vide the impugned cryptic and non-speaking order dated 20.11.2023, which was thereafter mechanically affirmed by the Appellate Authority vide order dated 22.02.2024 (Annexure P-13).

4. He next submits that the Appellate Authority has failed to consider the petitioner's specific contention that the order passed by the Director General, Industries and Commerce, Haryana, does not disclose any reasons for declining the benefit under the aforesaid notification. Rather, the Appellate Authority gave its own reasons, which does not form part of the order passed by the Director General, Industries and Commerce, Haryana, which is not permissible under the law.

5. While taking this Court to the clause 3.1 of the notification dated 28.05.2019, learned senior counsel submits that any entity which is involved in business of logistic unit, warehouse unit, Logistics Park and Integrated/Multi Modal Logistic Park, shall be eligible for 100%

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reimbursement of Stamp Duty, as per the adopted policy. Further as per the corrigendum issued vide notification dated 31.01.2023 (Annexure P-2), the industrial unit has to apply within three months from the date of commencement of commercial production. In the instant matter, the petitioner company commenced its production from 19.07.2023, and for that purpose it relied upon the first invoice.

6. He further submits that at the best, the petitioner company started production on April 2023, even in that eventuality, the petitioner company applied within three months with the Director General, however, this material aspect has not been considered by the competent authority. Instead, the petitioner's claim has been rejected in a mechanical manner by passing a cryptic and non-speaking order, without due consideration of the relevant facts and the applicable policy provisions.

7. Learned State counsel on the other hand, made his all endeavours to protect the legality of the impugned order. He draws the attention of this Court to the order passed by the Appellate Authority and submits that the documents furnished by the petitioner-company themselves reveal that commercial production commenced in the year 2021. Therefore, the application seeking the benefit under the notification is barred by limitation and was rightly rejected by the competent authority.

8. He further submits that the petitioner-company failed to upload the requisite documents in support of its claim. Consequently, the



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competent authority had no other option but to reject the petitioner's claim.

9. This Court has considered the submission, as made by learned counsel for the parties, and has perused the impugned orders.

10. In order to examine the legality and validity of the impugned orders, let's have a glimpse upon the notification dated 28.05.2019 (Annexure P-1), which grants incentives of 100% reimbursement of stamp duty, to an industrial unit. Relevant Clause 3, is extracted hereinafter:-

“ Stamp Duty:

3.1 Quantum of Assistance

The Logistics units, Warehousing units, Logistics Park and Integrated/Multi Modal Logistics Park shall be eligible for 100% reimbursement of Stamp Duty.

3.2 Applicability

The Enterprises/ developers which/who have purchased the land or taken the land on lease/transfer on or after the date of issue of notification of the Logistics, Warehousing & Retail policy shall be admissible for the refund of Stamp Duty and the Scheme shall be applicable throughout the State.

3.3 Procedure and Time Limit

As per provisions made under Notification No. 49/43/2015-4IB1 dated 12.07.2016 of Stamp Duty Refund Scheme notified under Enterprises Promotion Policy, 2015.”

11. The Government of Haryana has also notified a *corrigendum* dated 31.01.2023 under the Haryana Logistic, Warehousing and Retail Policy, 2019 (Annexure P-2), prescribing the procedure and time-limit for claiming reimbursement of the stamp duty. The relevant Clause 2, is extracted hereinafter:-

“2. Under Stamp Duty clause 3.3. Procedure and Time Limit, following Procedure and timelines shall be followed

2.1. Procedure



2.1.1. All the eligible industrial units shall apply to the Director/ Director General, Industries & Commerce on web portal of the department in the prescribed application form (Annexure-II) along with attachments.

2.1.2. The application would be processed and examined by the Joint Director/Deputy Director, District Industries Centre. He will be responsible for scrutiny and shall clearly recommend for approval/rejection of the claim after conducting inspection of the unit. The deficiencies, if any, would be communicated to the applicant in writing and the applicant would be given a time period of 15 days to rectify the deficiencies so pointed out.

2.1.3. In case the deficiencies are not removed within prescribed period, the claim shall be forfeited by the Competent Authority, under intimation to the enterprise through an e-mail.

The enterprise shall not be required to submit any additional document other than specified under Annexure-II, unless required for establishing genuineness of the claim.

2.2. Time-limit

The Industrial unit shall apply within 03 months after commencement of commercial production or within 03 months of notification of the scheme (28.05.2019), or within 03 months after complete infrastructural development in the industrial estate/park developed by the private developer, whichever is later.”

12. From a collective perusal of the notification dated 28.05.2019 as well as the *corrigendum* dated 31.01.2023, it can be safely deciphered that the industrial unit which is eligible under the aforesaid policy, can apply within a period of three months after the commencement of commercial production, or within three months of notification dated 28.05.2019, or within three months after complete infrastructural development in the industrial estate/park developed by the private developer, whichever is later.

13. In order to ascertain, as to whether, industrial unit deserves benefit under the aforesaid notification(s), the Director General,



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Industrial and Commerce, Haryana, was required to consider all the documents, submitted by the petitioner company, and thereupon, to ascertain, whether the industrial unit falls within the eligible category and whether, the claim has been preferred within the stipulated time period. Unfortunately, none of the aforesaid exercise was carried out by the the Director General, and only by passing a one-line order the claim of the petitioner-company has been declined. Though Appellate Authority (respondent no.1) tried to assign reasons for declining the claim of the petitioner, however, the same cannot cure the inherent illegality in the order passed by the Director General. It is well settled that a defective or non-speaking order cannot be validated by subsequently supplying reasons at the appellate stage.

14. In view of the foregoing discussion, the order dated 20.11.2023 (Annexure P-9), passed by the Director General, Industries and Commerce, Haryana, cannot withstand judicial scrutiny, being a cryptic and non-speaking order devoid of reasons. Accordingly, the same is hereby, **set aside**. Consequently, the order passed by the Appellate Authority dated 22.02.2024 (Annexure P-13), is also, **set aside**. The matter is **remanded** to the Director General, Industries and Commerce, Haryana, for fresh consideration of the petitioner-company's claim in accordance with law. The Director General, Industries and Commerce, Haryana, shall afford the petitioner-company an adequate opportunity of hearing and allow it to place on record such documents and materials, as

may be necessary to substantiate its claim, before passing a reasoned and speaking order.

15. The aforesaid exercise shall be carried out within a period of six months from the date of receipt of a certified copy of this order.

16. All pending application(s), if any, also stand **disposed** of accordingly.

July 07, 2026

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No