

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3588 of 2011

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M/S Radha Vanaspati, Motihari, Bihar, a Proprietorship Firm through its Proprietor
Yamuna Kumar Sikaria S/O Shambhu Nath Sikaria, Resident of Radha Nagar,
Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Cum Commissioner,
Department of Industries, Bihar, Patna.
2. The Director Industries, Department Of Industries, Bihar, Patna
3. The General Manager, District Industries Centre, East Champaran, Motihari.
4. The Principal Secretary-Cum-Commissioner, Department Of Commercial
Taxes, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrignak Mauli

For the Respondent/s : Mr. Alok Ranjan, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 20-05-2015

Heard the parties.

2. The matter at issue in the present writ petition is the claim of the petitioner for grant of subsidy on purchase and installation of Captive Power Plant/ Diesel Generating Set under the Bihar Industrial Incentive Policy, 2006.

3. Learned counsel appearing on behalf of the petitioner submits that under Clause-2(iv) of Bihar Industrial Incentive Policy, 2006, the petitioner applied for grant of subsidy for capital investment on Captive Power Generation/ Diesel Generating Set. According to him, the petitioner is entitled for grant of such subsidy and he has furnished all the necessary documents, but for one reason or the other, the final decision has not been taken by the competent authority till date and the petitioner is being arbitrarily denied his lawful dues. Therefore, it is pleaded that a direction may be issued to the respondents for grant of subsidy to the petitioner on purchase and installation of diesel Generating Set under the aforesaid Industrial

Incentive Policy, 2006.

4. The matter has been contested by the respondents by filing separate counter-affidavits on behalf of the respondent no. 2 and 4. In the counter affidavit filed on behalf of the respondent no.2, the aforesaid Industrial Incentive Policy, 2006 has been brought on record as Annexure-A. In paragraph-6 (iii) of the aforesaid counter-affidavit it has been admitted that on 01.08.2007 the petitioner submitted his claim directly to the Director of Industries, Bihar, Patna but without enclosing the required documents for taking final decision regarding claim of the petitioner. Though entitlement of the petitioner for grant of such subsidy is not being disputed by the respondents, but no final decision could be taken by the State Level Committee constituted under the Industrial Incentive Policy, 2006 on account of non-availability of necessary documents furnished by the petitioner.

5. A rejoinder affidavit has been filed on behalf of the petitioner to the aforesaid counter-affidavit filed on behalf of the respondent no. 2 and 4 wherein it has been asserted that, in fact, the petitioner has furnished all the relevant documents/ materials for consideration of his claim for grant of such subsidy.

6. After having heard the parties and taking into consideration the materials available on record, this Court is of the opinion that instead of going into the controversy whether the petitioner has furnished all the documents or has not furnished all the necessary documents, the interest of justice shall be sub-served if the petitioner is granted liberty to file a comprehensive representation with all supporting documents before the Principal Secretary/ Secretary, Department of Industries, Government of Bihar, Patna, who happens to be the Chairman of State Level Committee constituted under the Industrial Incentive Policy, 2006, raising all the

pleas, which have been raised in the present writ petition. It is ordered, accordingly.

7. If such comprehensive representation is filed on behalf of the petitioner within a period of four weeks from today with a certified copy of the present order, then the said State Level Committee, so constituted under the Industrial Incentive Policy, 2006, shall be obliged to consider and decide the claim of the petitioner for grant of such subsidy by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of representation by the petitioner.

8. If on consideration of the materials the aforesaid State Level Committee comes to a conclusion that the claims raised on behalf of the petitioner for grant of such subsidy are admissible, then consequential order shall also be issued for grant of such admissible claims to the petitioner without any unnecessary further delay.

9. This is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and it is left to be decided by the aforesaid State Level Committee strictly in accordance with law.

10. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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