

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

Civil Writ Petition No.9689 of 2002

Date of decision: 13.02.2015

Super Seeds Pvt. Ltd.

.... Petitioner

versus

The State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Rupa Pathania, Advocate,
for Mr. Ashwani Kumar Chopra, Senior Advocate,
for the petitioner.

Mr. Gaurav Goel, Assistant Advocate General, Haryana.

K.Kannan, J. (Oral)

The petitioner's claim for a seed production subsidy was based on the records of discussion held under the Chairmanship of Joint Secretary (Seeds) on 31.05.1993. The Brain Storming meeting yielded to a decision that no clear instructions had been passed about the subsidy to be given to private sector and it was upto the State to purchase seeds either from public or private sectors and passing on the subsidy to them. When this was the basis, the State was confronted with the clarification issued on 14.08.2002 that the subsidy was a centrally sponsored scheme and the Crop Division, Department of Agriculture & Cooperation, Government of India provided for no incentive to private sector and it was being provided

for production and distribution of oil seeds and pulses only to State Governments who were manufacturing the agencies on the schemes. This clarification came about on 14.08.2002 to address squarely the point which was deliberated and recorded in the minutes on 31.05.1993 and it could not be construed as a change to the approved pattern of implementation of the scheme. If it was a State's scheme, it was fair enough that the petitioner could have sought with its enforcement and claimed the subsidy. If it was a central scheme and the State was required to implement it, any additional obligation through subsidy could not have been cast on the Centre by the State's liberal attempted construction. The enforcement as sought for by the petitioner cannot therefore obtain legal approbation. The writ petition is dismissed.

(K.KANNAN)
JUDGE

13.02.2015
sanjeev