

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2731 OF 2013

JEEVA MAGASWARGIYA AUDYOGIK UTPADAK SAHAKARI SANSTHA MARYADIT,
AURANGABAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. A N Sabnis
AGP for Respondents: Mr. S.M. Ganachari.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 7TH JUNE , 2016.

PER COURT:

1] Mr. Sabnis, learned counsel for the petitioner submits that the petitioner is an industrial society of members belonging to Scheduled Caste. It is registered under the provisions of the Maharashtra Cooperative Societies Act. The State of Maharashtra has promulgated a policy vide Govt. Resolution dated 27.2.2004 and 22.5.2008, to give financial assistance to societies like petitioner for creation of industry from the members of backward class. Petitioner submitted proposal on 5.2.2011 for getting financial assistance for starting industry for production of cleaning products. The total cost of the project was Rs. 7 crores. Proposal was complete in all respects. Same was scrutinized and was sent to respondent No.1 for final sanction vide communication dated 11.3.2011. However, the proposal was not considered. The respondent No.1 granted financial assistance to 5 societies vide Govt. Resolution dated 29.3.2011, so also, 30 more industrial producers

societies belonging to Backward class vide G.R. dated 31.3.2011, however, did not consider the proposal of the petitioner. According to learned counsel, the petitioner is entitled for financial assistance as per the scheme.

2] Learned AGP submits that policy decisions are taken by the State for the year 2011-12. Uptill date, responder No.1 has not sanctioned financial assistance to any new industrial cooperative Scheduled Caste Societies. Respondent NO.1 has decided not to give financial assistance to any new societies. State Government wanted to revise the policy, but the policy has not been yet revised and same also continues till date.

3] We have considered the submissions. The affidavit in reply is filed by the Assistant Commissioner, Social Welfare Department, Aurangabad. Para. 18 and 19 of the said affidavit in reply, reads as under :-

" I say that, in order to complete exercise of a project, the Hon'ble Minister (Social Justice and Special Assistance Department) by an order dated 30.3.2012 decided that in the financial year 2011-12, priority will be given, to sanction the second installment to the previously sanctioned societies by State Govt. and also has taken decision to consider in the next year, the proposal of the societies pending with the State Govt. for approval, in accordance with the policy as would be revised in the next year, as per the rules and eligibility.

In reply to para No.15, I say that the respondent no.1 has not sanctioned financial assistance to any of the Industrial Cooperative Schedule Caste Societies from 2012-2013, 2013-2014 up till date. I further say and submit that as and when the State would consider the pending application, the same shall be considered according to the date of filing of such application i.e. in accordance with seniority."

4] Considering the fact that the respondent No.1 has not discriminated the petitioner, so also, has made statement on oath in the affidavit that as and when the State would consider the pending application, the same shall be considered according to the date of filing of such application, i.e. in accordance with the seniority, we accept the said statement. In view of the said statement recorded in the affidavit in reply, the writ petition is disposed of, however, with no orders as to costs.

[K.K. SONWANE]
JUDGE

grt/-

[S.V. GANGAPURWALA]
JUDGE.