

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11939 of 1996
Date of decision: 29.11.2016

M/s Amritsar Processors Private Ltd.

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Tarunjeet Singh, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl. AG, Punjab.

None for respondent No.3.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

The writ petition was admitted for regular hearing vide order dated 09.08.1996 passed by a Division Bench of this Court. Thereafter, written statement was filed on behalf of respondent No.3 i.e. Punjab Financial Corporation. However, no written statement has been filed on behalf of the State Government or the Director of Industries, Punjab.

Learned senior counsel for the petitioner submits that availability of subsidy to the extent of 15% on the fixed capital investment, had gone undisputed on record. This material fact has also not been disputed by learned

counsel for the State that as per the industrial policy of 1978, subsidy @15% on the fixed capital investment was available for three border districts i.e. Amritsar, Ferozepur and Gurdaspur and the bet areas and sub mountain area. While filing its written statement, Punjab Financial Corporation-respondent No.3 has not disputed this fact that the subsidy was available @15%. As per the stand taken by respondent No.3, application of the petitioner for claiming the subsidy was not forwarded to the competent authority of the State Government, only for the reason that at that point of time, petitioner has leased out the industrial premises and because of that reason, petitioner was no more eligible for subsidy.

Learned senior counsel for the petitioner further submits that at that point of time, petitioner leased out the industrial premises, because of compelling circumstances, which were beyond his control. While referring to the averments taken in para 7 of the writ petition, learned senior counsel for the petitioner submits that brother of the petitioner was killed by the terrorists and even the petitioner used to face various threats in writing from militant groups, forcing him to lease out the industrial premises. However, immediately after normalcy returned, petitioner started doing his own business. Genuine claim of the petitioner for subsidy @15% had never been considered by the competent authority, without there being any justified reason.

The abovesaid material fact situation has gone undisputed before this Court.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that claim of the petitioner deserves to be considered by the competent authority without

any further loss of time.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, present writ petition is disposed of, with a direction to Managing Director, Punjab Financial Corporation-respondent No.3 to forward forthwith the application of the petitioner, if not already forwarded, to the Director of Industries, Punjab-respondent No.2 and in any case within a period of one month from the date of receipt of certified copy of this order.

After receipt of application of the petitioner from respondent No.3, Director of Industries, Punjab-respondent No.2 shall consider the eligibility of the petitioner for subsidy in question and shall take the final decision thereon at an early date, by passing an appropriate order, strictly in accordance with law and also as per policy on the subject but in any case within a period of two months from the date of receipt of application of the petitioner. It is further directed that in case, petitioner is found entitled for release of the requisite amount on account of subsidy, same shall be released in favour of the petitioner without any further loss of time.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

29.11.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No