

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

CWP No.4680 of 2014
Date of Decision:04.05.2016

Suraj Bhan

. . . .Petitioner

Versus

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Balraj Gujjar, Advocate,
for the petitioner.

Mr.P.P. Chahar, DAG, Haryana.

RAKESH KUMAR JAIN, J.

The basic prayer of the petitioner is for the release of subsidy amount in the account of M/s Jai Gurudev, Green Tech, Firm, who has erected the polyhouse of the petitioner.

In short, the petitioner gave the application in June, 2012 to the District Horticulture Officer [for short 'the DHO'], Bhiwani for installing a polyhouse in his filed on the area of 560 sq. meter, which was allowed to be erected from the empanelled firm. The petitioner got the polyhouse installed from M/s Jai Gurudev Green Tech-2, Bhiwani and paid 35% of the total cost as advance and the rest of 65% was to be paid to the firm directly by the department as subsidy. It is alleged that the sanction to erect polyhouse was implied because the respondents had released the amount of ₹29,400/- by way of a cheque bearing No.910781 dated 17.11.2012 as subsidy on the seeds, which were to be used in the polyhouse. Since the subsidy for erection of the polyhouse was not issued, therefore, the petitioner served a legal notice, which was

duly replied by the respondents and ultimately, the present petition is filed.

In the reply filed on behalf of respondents No.2 and 3, it is averred that the petitioner had moved an application on 20.6.2012 to the Horticulture Development Officer (Plasticulture), Bhiwani for sanction for erection of polyhouse. The sanction was not issued by the DHO, Bhiwani keeping in view the interest of the farmers and crop economy because it was of a small size. The petitioner, thus, approached the Director Horticulture, Haryana for entertaining his case of small polyhouse (560 sqm). The office of Director issued advisory to DHO, Bhiwani to entertain such cases for assistance with a direction that farmer may be informed about the advantages and disadvantages properly.

The petitioner then applied through his father Jai Ram s/o Lehri Ram for sanction for erecting polyhouse vide application dated nil in the month of September, 2012, which was considered by the DHO, Bhiwani and the petitioner was informed vide letter No.1693 dated 21.9.2012 that the firm from which the petitioner wanted to get the polyhouse erected was not empanelled by the Directorate at that time. He was further advised that he can get the polyhouse erected from the firm empanelled by the Department and the list of the empanelled firm was stated to be available with the office of the DHO, Bhiwani. The petitioner never approached the DHO, Bhiwani for obtaining sanction. It is further averred that the petitioner's application for subsidy on planting material on his NVPH of 560 sqm was received vide diary No.582 dated 25.10.2012 and an amount of ₹29,400/- was sanctioned and released by DHO,

Bhiwani @ ₹52.5 x 560 sqm, which comes to ₹29,400/-, on account of cost of cultivation as per prevailing norms and guidelines under NHM Annual Action 2012-13 of component No.5 and sub component No.ix which is the cost of the planting material of high value vegetable grown in polyhouse. This is a separate component and any farmer, who had installed protected cultivation component with/without subsidy, the assistance was released vide cheque No.910781 dated 17.11.2012.

Learned counsel for the petitioner has submitted that the respondents have released subsidy to Ashok Kumar s/o Mahabir Parshad resident of Village Kural, District Bhiwani, who had applied for erection of polyhouse on 4.5.2012 for which the sanction was granted on 19.6.2012 by the DHO, Bhiwani and the said polyhouse was erected nonetheless by Mr.Jai Gurudev Green Tech, Bhiwani of which the construction work was completed on 26.6.2012 and the grant was released vide letter No.1687 dated 19.9.2012. It is submitted that in the case of the petitioner, the subsidy has been declined on the ground that M/s Gurudev Green Tech was not empanelled.

Learned counsel for the respondents has submitted that before the sanction is granted to the petitioner on 21.9.2012, the empanelment of the firm M/s Gurudev Green Tech was over, meaning thereby, it was no more empanelled firm with the department to whom subsidy could have been released. Learned counsel for the petitioner has failed to contradict this aspect of the matter.

Thus, in view of the aforesaid facts and circumstances, once the firm from which the petitioner wanted to get erected his polyhouse was depanelled when the sanction was granted, the petitioner cannot be granted any relief in this case on the ground that the subsidy has been issued in the case of Ashok Kumar because at that time, the same firm was on the panel of the department. Consequently, I do not find any merit in the present petition and the same is hereby dismissed.

04.05.2016*Vivek***(RAKESH KUMAR JAIN)
JUDGE**