

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

**LPA No.274 of 2016 (O&M)
Date of Decision : 23.02.2016**

State of Punjab and others

....Appellants

Versus

S.M.Law Digest Com. Limited

....Respondents

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present:- Mr.B.S.Chahal, DAG, Punjab
for the appellants.

HARINDER SINGH SIDHU, J.

This intra Court appeal under clause X of the Letters Patent has been filed against the judgment dated 19.05.2014, whereby the writ petition (CWP No.11044 of 2012) filed by the respondents seeking directions for release of the sanctioned subsidy was allowed and the review filed against that order (RA No.371 of 2015) was dismissed on 23.09.2015.

The respondent was sanctioned subsidy as per the Industrial Policy 1996 vide sanction letter dated 5.9.2006. When despite repeated requests, the subsidy amount was not released the petitioner filed the writ petition which was allowed.

The stand of the appellant was that the subsidy was sanctioned subject to certain conditions. The amount was to be released on availability of funds and as per seniority. As the respondent had not

intimated the fulfilment of conditions for release of subsidy in time, hence the subsidy was not released. The learned Single Judge relied on a decision of this Court in **M/s Balak Gases Oxygen Gas Plant and another vs. State of Punjab and others, 2012 (4) RCR (Civil) 413** where a bunch of petitions seeking release of sanctioned subsidy were allowed. This Court had considered various issues including non-availability of funds and directed that the subsidy be released to the units to which the same has been sanctioned strictly as per seniority. LPA No.119 of 2012 titled as **State of Punjab and others vs. M/s Balak Gases Oxygen Gas Plant and another**, alongwith 37 other LPAs filed by the State against the said judgment were dismissed on 12.08.2013 both on the ground of delay as also on merits. The delay in those appeals varied from 145 days to 366 days. The Court found that there was no sufficient justification shown for the delay in filing the appeals.

In the present case the writ petition was dismissed on May 19, 2014. The review application was filed after a delay of 337 days in filing and 71 days in re-filing. Though the delay was condoned but the review application was dismissed 23.9.2015 as no ground for review was made out.

The present appeal has been filed after a delay of 597 days. Even if the period of 337 days in filing + 71 days in re-filing (i.e., 408 days delay) in filing the review, is deducted therefrom, even then there is delay of 189 days in filing the appeal after dismissal of the review application. There is no satisfactory explanation for this inordinate delay.

Accordingly, we are not persuaded to condone the delay.

On merits as well the appeal is liable to be dismissed. The issue has already been considered in **State of Punjab and others vs. M/s Balak Gases Oxygen Gas Plant and another** against which LPAs have been dismissed. The appellants cannot be permitted to wriggle out of their commitment to release the subsidy amount sanctioned to the respondent.

Accordingly, this appeal is dismissed.

(SATISH KUMAR MITTAL) (HARINDER SINGH SIDHU)
JUDGE JUDGE

23.02.2016
Atul/dinesh