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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 363/2016 & C.M.No.1516/2016

MANOHAR FILAMENTS PRIVATE LIMITED ..... Petitioner

Through Mr.Sanjay Agnihotri with Mr.Rakesh Kumar, Advocates.

versus

UNION OF INDIA & ORS. ..... Respondents

Through Mr.Anurag Ahluwalia, CGSC with Mr.Rajul Jain and Mr.Prashant Ghai, Advocates for R- 1 & 2.
Ms.Bindu Das, Advocate for R-3&4.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

O R D E R

% **15.01.2016**

The present writ petition has been filed seeking a direction to the respondents to reimburse subsidy on interest to the tune of Rs.55,80,898 under the technology upgradation fund scheme (TUFS).

Learned counsel for the petitioner states that the petitioner-company had completed all the requisite formalities for availing the benefits of the scheme and the petitioner-company was also eligible for the benefits. He points out that the Punjab National Bank, Credit Division TUFS Cell had recommended the petitioner's case for release of subsidy.

A perusal of the file reveals that the petitioner's claim has been rejected by the Ministry of Textiles, Government of India, vide letter dated 27th January, 2015. The said letter reads as under:-

*"**Sub: Revised Committed liability under List-II of M-**

TUFS.

Sir,

Please refer to your letter dated 10/11/2014 on the subject cited above.

In this regard, following observations are made:

1. *It is observed that the case of* _Term Loan of Rs.260 lakh is not appearing under list-II of M-TUFS_. *Hence, your request for revision of committed liability can not considered.*
2. *In case of* _Term Loan of Rs.900 lakh_, *it is observed that the date of sanction of the term loan is 28/08/2010 which inter alia* _falls under Black Out period of TUFS_. *Hence, the unit is not eligible for subsidy under TUFS.*
3. *In case of* _Term loan of Rs.133 lakh_, *it is observed that* _it is a taken over case_ *and there appears to be* _no substance in the representation for revision of committed liability_. *Hence, revision of committed liability can not be considered.*

This is issued as per approval of the Additional Textile Commissioner."

Keeping in view the reasons given in the aforesaid letter, this Court is of the view that the present writ petition involves disputed questions of fact. Consequently, the present writ petition is dismissed. However, liberty is given to the petitioner to file appropriate legal proceedings.

MANMOHAN, J

JANUARY 15, 2016
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