

\$~7

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

+ W.P.(C) 1550/2016 & C.M.Nos.6687-6688/2016

M/S JAY BHARAT FERTILIZERS PVT. LTD. Petitioner

Through Mr.Kaushal with Mr.Nandlal Kumar
Mishra, Advocates.

versus

UNION OF INDIA Respondent

Through Mr.Dev P.Bhardwaj, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **18.03.2016**

Present writ petition has been filed for quashing of the order dated 3rd December, 2015 passed by the respondent, by virtue of which the claim for interest on delayed payment of subsidy was rejected on the ground that Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 is not applicable.

Learned counsel for the petitioner states that his claim for interest is not based on the aforesaid Act. He states that the respondent has paid interest to similarly placed manufacturers in accordance with O.M dated 14th February, 2011.

A perusal of the impugned order reveals that it only gives reasons as to why the MSMED Act, 2006 does not apply to the petitioner's claim.

Consequently, the impugned order is set aside with a direction to the Under Secretary, Govt. of India, Ministry of Chemicals and

Fertilizers, Department of Fertilizers to consider the petitioner's claim for interest on delayed payment of subsidy in accordance with the O.M No.17/21/2001-MSHP/MPR23011/20/2012-MPR dated 14th February, 2011. Needless to say, the order shall be passed in accordance with law.

With the aforesaid directions, the present writ petition and the applications are disposed of.

MANMOHAN, J

MARCH 18, 2016
KA