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

+ **W.P.(C) 413/2016 & C.M.No.1695/2016**

M/S AMAAN TANNERS & ANR

..... Petitioners

Through **Mr.S.P.Singh, Sr.Advocate with
Mr.Keshav Choudhary, Advocate.**

versus

UNION OF INDIA & ORS

..... Respondents

Through **Mr.Atul Batra with Mr.Rajuj Jain and
Mr.Kundan mishra, Advocates for
UOI.**

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Date of Decision: 19th January, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. The present writ petition has been filed challenging the letters/orders dated 14th September, 2015 and 28th April, 2014, by virtue of which, the petitioners' request for financial assistance under the Tannery Modernization Scheme was rejected.

2. It is the case of the respondents that certification with current validity of State Department of Industries and the State Pollution Control Board indicating that the petitioners' factory is in compliance with environmentally sound practices with respect to treatment and disposal of waste water and control of air pollution was not submitted

to Central Leather Research Institute (CLRI) within time.

3. It is also the stand of the respondents in the impugned order that the Government approved the continuation of the Indian leather development programme with six sub-schemes/revised guidelines in the 12th Plan w.e.f. 2nd January, 2014. It is further stated that applications after 2nd January, 2014 were to be considered in accordance with the revised guidelines and in accordance with them only new machines which were procured on or after 1st November, 2011 were eligible for financial assistance/grant.

4. According to the respondents, since in the present case, the machines purchased by the petitioners are of the year 2008, they are not eligible for assistance/subsidy under the revised guidelines.

5. Learned senior counsel for the petitioners submits that the ground on which the petitioners' composite representation has been rejected vide impugned order dated 14th September, 2015 is an invented one, in the sense that the petitioners were never asked contemporaneously to furnish a certificate from the State Department of Industries and the State Pollution Control Board. He further states that the delay in processing the petitioners' application is entirely attributable to the respondents.

6. Having heard the learned senior counsel for the petitioners, this Court is of the opinion that, there are disputed questions of fact involved in the present writ petition, amongst others, as to whether there was delay in processing the petitioners' application by the respondents alone, and further, as to whether the respondents had ever contemporaneously asked for a certificate from the State Department of

Industries and the State Pollution Control Board.

7. Consequently, the present writ petition along with the application is dismissed, with liberty to the petitioners to file appropriate legal proceeding in accordance with law for availing the financial assistance under the Tannery Modernization Scheme. Rights and contentions of all the parties are left open.

MANMOHAN, J

JANUARY 19, 2016
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