

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12767 of 2014

=====

M/s Swastik Cold Storage through its Partner Bharat Bhushan Deva Son of Late Bibhuti Bhushan Deva Resident of village - Ulao, P.S. Muffisil, District – Begusarai.

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. Secretary, Ministry of Agriculture, Union of India, Krishi Bhawan, New Delhi.
3. The National Horticulture Board/Mission through its Mission Director, Agriculture and Cooperative Section, Ministry of Agriculture, Union of India, Krishi Bhawan, New Delhi.
4. The Mission Director, National Horticulture Board/Mission, Agriculture and Cooperative Section, Ministry of Agriculture, Union of India, Krishi Bhawan, New Delhi.
5. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
6. The Chief Secretary, State of Bihar, Old Secretariat, Patna.
7. The Agriculture Department, through the Principal Secretary, Agriculture Department, Bihar.
8. The Principal Secretary, Agriculture Department, Bihar.
9. The State Horticulture Mission/Board through its Mission Director, Pant Bhawan, Bailey Road, Patna.
10. The Mission Director, State Horticulture Mission/Board, Pant Bhawan, Bailey Road, Patna.
11. The Deputy Director, State Horticulture Mission/Board, Pant Bhawan, Bailey Road, Patna.
12. The Horticulture Officer, State Horticulture Mission/Board, Pant Bhawan, Bailey Road, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ratnesh Kumar Singh, Advocate
For the State : Mr. Ram Babu Rai, A.C. to S.C. 14

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-02-2017

Heard learned counsel for the parties.

The petitioner had approached the Court seeking direction for payment of subsidy of Rs. 5,00,000/-, as per the policy of the Government and also for awarding compensation with interest.



Learned counsel for the petitioner submitted that the petitioner's cold storage has been running since 1967 and pursuant to the policy of the Government a new cold storage was constructed and they had also renovated/modernized the existing cold storage, for which also the Government had a policy to grant subsidy. Learned counsel submitted that as per the said policy of the Government, though of the Central Government, the agency was through the State Government. Learned counsel submitted that Rs. 5,00,000/- subsidy has been paid to him only during the pendency of the writ petition, though the same was due from the year 2012. Learned counsel submitted that the petitioner had fulfilled all the requirement at the relevant time and only because of the procedural delay, the amount has been paid to him after more than two years causing loss since it had taken loan from the banks which have to be repaid with interest and thus, he should be compensated.

Learned counsel for the State submitted that the State Government is only an Agent since the money and scheme is that of the Central Government and only processing is to be done by the State Government, which has been done, and thus, any connected claim has to be considered only by the Central Government.

At this juncture, learned counsel for the petitioner submitted that he may be given liberty to file representation before



the Competent Authority both of the State Government as well as the Central Government for considering his grievance for payment of compensation to offset the loss suffered by him in loan payment resulting in him having to repay the loan to the Bank with interest, at the same rate.

In view of the aforesaid, the writ petition stands disposed off with liberty to the petitioner to file representation before the respondents no. 4 and 10 seeking compensation by way of interest at the rate which it has repaid to the Bank for the loan taken. If such a representation is filed within six weeks from today, along with a copy of this order, the same shall be considered in accordance with law and a reasoned order shall be passed within two months thereafter. If the authorities come to the conclusion that the claim of the petitioner is *bona fide* and genuine and decide to pay any amount, the same shall be paid to the petitioner within four weeks thereafter.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

