

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3104 of 2007**

M/s Deshlahra Minerals – A Small Scale Industry – Through Dilip Deshlahra, S/o Siremal Deshlahra, Aged about 48 years, Proprietor, having its industry at Village Jatam P.O. Sargipal, Block Jagdalpur, Distt. Bastar (CG) and having its office at Jawahar Chowk, Appapura, Distt.Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Commerce and Industries Mantralaya, D.K.S.Bhawan, Raipur (CG)
2. Directorate of Industries Through its Additional Director and Authorized Office, Financial Assistance Cell, Jeevan Bima Nigam Complex, 2nd Floor, Pandri, Raipur (CG)
3. The District Industries Centre – Through its General Manager, District Bastar, Jagdalpur (CG)

---- Respondents

For Petitioner	:	Mr.P.R.Patankar, Advocate
For Respondents	:	Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/7/2017

1. Learned counsel appearing for the petitioner would submit that the petitioner has made an application for grant of interest subsidy as per Chhattisgarh State Infrastructure Investment Capital Subsidy Rules, 2004 (hereinafter called as 'Rules of 2004'), which has been rejected by the respondents by order dated 15.12.2006 (Annexure P/8), against which, appeal was preferred. That has also been rejected by the Additional Director, Directorate of Industries by order dated 2.4.2007 (Annexure P/14), against which, this writ petition has been filed.
2. Learned counsel for the petitioner would submit that both the authorities have rejected the case of the petitioner that the petitioner

unit is included in the negative list and is not eligible for exemption.

He would further submit that the petitioner unit is not involved in stone crushing/ballast (gitti) relying upon the judgment of the High Court of Madhya Pradesh in the matter of **National Mineral Development Corporation Ltd., Hyderabad Vs. State of M.P. and another**¹, therefore, the impugned order is liable to be set aside.

3. On the other hand, learned State Counsel would support the impugned order.
4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
5. It is true that the petitioner unit is involved in iron-ore crushing of specified size and the petitioner unit has wrongly been included in the negative list by the impugned order.
6. Since the petitioner unit is involved in iron ore crushing, his industry cannot be held to be stone crushing/manufacturing of ballast unit which is included in the negative list, the impugned order is set aside. The matter is remitted to the State Government for deciding the eligibility of the petitioner unit for grant of interest subsidy within a period of 30 days from the date of receipt/production of copy of this order.
7. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-

¹ AIR 1999 Madhya Pradesh 112