

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.1625 of 2013 (O&M)
Date of decision: July 28, 2017

M/s Modern Udyog

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. D.R. Bansal, Advocate for the petitioner.
Mr. Vikrant Pamboo, Advocate for respondent No.1.
None for respondents No.2.
Mr. IP Singh, Advocate for respondents No.3 to 5.

Rajan Gupta, J.(oral)

Grievance of the petitioner is that he has not been considered for grant of subsidy of Rs.6,76,661/- in terms of the policy prevalent at the time petitioner installed new machinery in an existing unit at Karnal. It has been urged before this court that petitioner submitted all the documents to respondent No.5 bank. Same were forwarded by said bank to SIDBI vide communication dated 25.10.2010 (Annexure P-3). However, claim of the petitioner was rejected by SIDBI on the ground that the documents had been received after the cut off date. Stand of the petitioner is that there was no delay on the part of the petitioner in submitting the documents. It was inter se communication between the bank and SIDBI, for which case of the petitioner could not have been summarily rejected. It appears, during the hearing of this case a statement was made on behalf of respondent No.2 that it would seek instructions whether claim of the petitioner could be considered under the Credit Link Capital

Subsidy Scheme. Counsel for respondent No.2 sought time to submit a report in this regard. No report is forthcoming. Besides, respondent No.2 remains unrepresented. Stand of counsel for Union of India is that issue primarily relates to SIDBI. According to him, policy still subsists with certain alteration/changes made therein.

On due consideration of the matter, I am of the view that order Annexure P-9 deserves to be set-aside as it is to be ascertained as to how the petitioner is liable for delay in submitting the application and other necessary documents. Order Annexure P-9 is, thus, hereby set-aside. The authority would consider the claim of the petitioner afresh. In case it is found that no delay was caused on part of the petitioner, it would reconsider his claim as per policy.

Allowed in these terms.

(RAJAN GUPTA)
JUDGE

July 28, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No