IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.11984 of 2017

G. Tex Dyeing & Printing Mills Pvt Ltd

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

2. CWP No.19697 of 2017

M/s Padda Food Products

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

3. CWP No.12402 of 2017

M/s Bajwa Agro Industries Ltd

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

4. CWP No.12414 of 2017

M/s SIM Containers Pvt Ltd

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

Date of Order: 01.11.2017

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Gagneshwar Walia, Advocate for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

RAKESH KUMAR JAIN, J (ORAL)

This order shall dispose of aforesaid four writ petitions as the issue involved in them is common pertaining to the release of sanctioned capital subsidy/Investment Incentive.

Reply filed by way of counter affidavit dated 01.11.2017 on behalf of respondent Nos.1 to 3 in CWP No.12414 of 2017 is taken on record.

Learned counsel for the petitioner(s) has submitted that the petitioner(s) in all writ petitions are closed units but they are eligible for grant of subsidy in view of the decision of this Court rendered in **M/s Balak Gases Oxygen Gas Plant and Ors Vs. State of Punjab and another bearing CWP No.19007 of 2002, decided on 20.5.2011**.

The respondents have filed reply by way of an affidavit dated 25.9.2017 in which it is not denied that the petitioners are not entitled to the grant of subsidy but it is asserted that the Government is framing guidelines for disbursement of subsidy as there are 1500 similar closed units in the State of Punjab. It is also averred that the claim of the petitioner(s) shall be considered for subsidy after finalization of the Guidelines which may take six months. It is also averred that the subsidy has been released to the Units, which are even junior to the petitioners but only because of the orders passed by this Court.

I have heard learned counsel for the parties and perused the record. As per the facts of CWP No.11984 of 2017, the capital subsidy/Investment Incentive of ₹50 lacs was sanctioned to the petitioner as far as back on 31.3.1997 and ₹49,38,000/- on 18.3.1999. Since then the petitioner is waiting for the release of the capital subsidy/Investment Incentive. During this interregnum due to financial sickness, the petitioner Company was closed in the year 2006 but the subsidy is still not released and the only reason assigned is that since there are so many similar closed units, which are claiming subsidy, therefore the Guidelines are in pipelines on the basis of which the seniority will be determined and amount would be released.

This argument is not at all impressive because earlier the petitioner, who was at Seniority No.640 has now reduced to Sr.No.230 and therefore the petitioner(s) are entitled and eligible to get the subsidy.

Thus, keeping in view the aforesaid facts and circumstances the present petitions are allowed and a direction is issued to the respondents to release/grant the capital subsidy/Investment Incentive, as claimed by the petitioner(s), within a period of two months from the date of receipt of certified copy of this order.

November 01, 2017 **(RAKESH KUMAR JAIN)**
manoj **JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No