IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 15975 of 2017
Date of Decision: 3.4.2018

M/s Devi Dayal Rice Mills ....Petitioner

v.

State of Punjab and others ....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Ayush Gupta, Advocate, for the petitioner

Ms. Bhawna Gupta, DAG, Punjab

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of mandamus for seeking a direction to the respondents to pay the amount of industrial incentive of Rs. 20 lakhs sanctioned on 14.12.2000 along with interest @ 6% p.a.

Learned counsel for the petitioner has submitted that at the time when the investment incentive claim of the petitioner was considered on 31.10.2000, condition was imposed that the disbursement would be made strictly on the basis of seniority.

The grievance of the petitioner is that though it is at Seniority No. 220 yet the respondents have paid the industrial/investment incentives to those who are much lower in seniority and given reference of Ram Chand Sohan Lal which is at Seniority No. 222, M/s Safari Bikes Ltd. which is at seniority No. 224, Midieval Glass India Pvt. Ltd. which is at seniority No. 228, Sukhbir Singh and Company which is at seniority No. 230, M/s Thind Brothers Rice Mills which is at seniority No. 231 and Vij Agro Exports Pvt. Ltd. which is at seniority No. 233 and many others who are much lower in seniority to the petitioner firm.

Learned State counsel has submitted that the matter regarding disbursement of the industrial investment/incentive/subsidy to the firm of the petitioner is under active consideration of the Government which is in the process of formulating a policy/guidelines for which a meeting is scheduled for today i.e. 3.4.2018.

On the other hand, learned counsel for the petitioner has referred to a decision of this Court rendered in CWP No. 11984 of 2017 titled as **M/s G. Tex Dyeing & Printing Mills Pvt. Ltd. v. State of Punjab and others** decided on 1.11.2017 and submitted that case of the petitioner is squarely covered by it because in that case also capital subsidy/investment incentives, as claimed by the petitioner therein, was ordered to be released within a period of two months from the date of receipt of certified copy of the order.

I have heard learned counsel for the parties and after taking into consideration the facts and circumstances narrated in the petition, am of the considered opinion that the petitioner deserves to be paid the industrial incentives as promised by the State of Punjab, as has been paid to the firms, which were much lower in seniority than the petitioner.

The present case is thus, disposed of with a direction to the respondents to pay the capital subsidy/investment incentives to the petitioner within a period of two months from the date of receipt of certified copy of this order.

(RAKESH KUMAR JAIN)
JUDGE

3.4.2018
Ashwani

Speaking/Reasoned Yes/No
Reportable Yes/No