

\$~37

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6317/2018 & CM No. 24273/2018**

M/S NUNDRESH AGRO PRODUCTS Petitioner

Through: Mr. Mushtaq Ahmad Mir and Mr
Shaad Anwar, Advocates.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr Manish Mohan, CGSC with Ms
Manisha Saroha, Advocates for R-1
& 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **04.12.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “a) Issue directions in the nature of mandamus under article 226 of the constitution directing the respondents to approve/sanction the project of the petitioner for grant in aid under the cold chain infrastructure and value addition scheme.
- b) Direct the respondents to release the first and second installment of the grant in aid in accordance with the revised operational guidelines applicable to the project proposal under the cold chain infrastructure and value addition scheme.
- c) Quash the notifications dated 16/03/2018 and 09/05/2018 to the extent they are violating legitimate expectations of the petitioner. ”

2. The petitioner is, essentially, aggrieved by the action of respondents in not approving its project for grant of subsidy under the “Scheme for

Integrated Cold Chain, Value Addition and Preservation Infrastructure”

3. On 31.08.2016, the Ministry of Food Processing Industries (respondent no.1) had published a notice inviting proposals for setting up of Integrated Cold chain Projects. Pursuant to the said notice, on 15.11.2016, the petitioner – a partnership firm – submitted an application for setting up a project in the Baramulla District in the State of Jammu and Kashmir.

4. On 27.03.2017, respondent no. 1 declared a list of approved projects and the petitioner’s project was not included in that list.

5. The applications submitted were evaluated on an objective criteria and marks were awarded for various stated attributes. The petitioner was awarded 49 marks out of a maximum of 100 marks. According to the petitioner the same are patently erroneous and the petitioner’s project qualified the criteria as specified.

6. Mr Mohan, learned counsel appearing for the respondents submitted that the petitioner’s application was not approved as the objective scores awarded did not measure up to the standards as required. He has handed over a tabular statement, which indicates the grounds on which lower marks have been awarded to the petitioner.

7. Essentially, the petitioner has been awarded NIL marks against three factors, namely, (i) lack of value addition; (ii) the project set up by the petitioner is not in an uncovered area; and (iii) the project does not involve modern technology.

8. The learned counsel appearing for the petitioner has pointed out that so far as the value addition is concerned, the respondents have failed to take

into account that the petitioner had clearly indicated that they would also be waxing and packaging the products in addition to setting up, sorting and grading line. It is also the petitioner's case that the unit is proposed to be set up in an area which accounts for 20% of the production and there were no integrated cold chain projects in the area at the relevant time. It is further submitted that thereafter, two projects have been set up but even the capacity of the said projects is insufficient to meet the needs of the farmers and, therefore, the said area must be considered as an uncovered area.

9. It is seen that the petitioner had made representations and the same were rejected. This Court is of the view that it would be apposite for the respondents to consider the petitioner's contentions and pass a speaking order.

10. In this view, the present petition is disposed of by permitting the petitioner to make a representation to the respondents clearly indicating their contentions in respect of the criteria for which the petitioner has been awarded lower marks than as claimed. If the said representation is made within a period of two weeks from today, the respondents shall consider the same and pass a reasoned order as expeditiously as possible and preferably within a period of six weeks thereafter.

11. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.

VIBHU BAKHRU, J

DECEMBER 04, 2018/RK