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

+ **W.P.(C) 12080/2018**

PARADEEP PHOSPHATES LIMITED

..... Petitioner

Through Mr Dhruv Mehta, Senior Advocate with
Mr Prateek Kumar, Ms Anushka Sharda,
Ms Diviangana Garg, Mr Sanjeev K. Kapoor,
Advocates.

versus

DEPARTMENT OF FERTILIZERS AND ANR. Respondents

Through Mr Jasmeet Singh, CGSC for R1 and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.11.2018

CM APPL. 46796/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 12080/2018 & CM APPL. 46795/2018

3. Issue notice. The learned counsel appearing for the respondents accepts notice.
4. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a Writ of Mandamus or any other Writ, Order or direction to the Respondents to release the Subsidy (i.e. INR 53.50 Crores (Indian Rupees Fifty Three Crore and Fifty Lakh only) with applicable interest) payable to the Petitioner under the NBS Policy and the Fertiliser Policy;

In the alternative to prayer (a) to issue a Writ of

Mandamus or any other Writ, Order or direction to the Respondents to consider and pass a reasoned order on the Representations/ letters dated 16 February 2015, 24 May 2016 and 06 March 2018 of the Petitioner for release of Subsidy under the NBS Policy and the Fertiliser Policy, after giving the Petitioner an opportunity to be heard.”

5. According to the petitioner, the petitioner is entitled to subsidy amounting to ₹53.50 crores in terms of the nutrient based subsidy policy of respondent no.1 dated 4th March, 2010. The petitioner had imported a certain type of consignment of fertilizers from China and claims that the said subsidy is due to the petitioner in respect of the aforesaid imports. It is averred that the respondent has illegally withheld the subsidy due to the petitioner.

6. The petitioner has also made various representations including representations dated 16.02.2015, 24.05.2016 and 06.03.2018 in the aforesaid regard. However, the petitioner has not received any response to the said representations. Indisputably, the petitioner is entitled to know the grounds, if any, on which the subsidy is being withheld.

7. In view of the above, the present petition is disposed of by directing the respondent no.1 to consider the representations made by the petitioner and pass a reasoned order after affording the petitioner an opportunity to be heard. The concerned authority is requested to do so as expeditiously as possible and preferably within a period of six weeks from today.

8. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

NOVEMBER 13, 2018/pkv