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W.P.No.10537 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.10537 of 2017
and WMP No.11442 to 11444 of 2017**

M/s.Rajams Digital Offset Prints
Rep.by its Managing Director
No.227, Peters Road, 1st Floor
Royapettah
Chennai 600 014.

.... Petitioner

-Vs-

1.Government of India
Rep.by Special Secretary &
Development Commissioner
Office of the Development Commissioner
Ministry of Micro, Small & Medium Enterprises(MSME)
Nirman Bhawan, 7th Floor
Maulana Azad Road
New Delhi 110 108.

2.Deputy Director (CLCSS)
Office of the Development Commissioner
Ministry of Micro
Small & Medium Enterprises(MSME)
Nirman Bhawan, 7th Floor
Maulana Azad Road
New Delhi 110 108.



W.P.No.10537 of 2017

3.The Chief General Manager
Small Industrial Development Bank of India
SIDBI Tower, 15 Ashok Marg
Lucknow-226001.

4.The Regional General Manager
Indian Bank of India
No.55, Ethiraj Salai
Egmore
Chennai 600 108.

5.The Chief Manager
Indian Bank Branch
No.61, Goudiya Mutt Road
Royapettah, Chennai.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for records on the files of the 2nd respondent bearing No:1(5) CLCSS/Unit Assn/14-15 dated 02.11.2015 refusing to release the subsidy to the petitioner, quash the same and consequently direct the respondents to release the subsidy amounting to a sum of Rs.15 lakhs to the petitioner bearing a registered SSI Unit with Entrepreneur Memorandum No.330022110095 (Part-II), Small.

For Petitioner : Mrs.A.V.Bharathi

For Respondents : Mr.K.Ramanamoorthy
for R1 & R2

M/s.Ganesh & Ganesh
for R3

No Appearance or R4 & R5



W.P.No.10537 of 2011

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records from the 2nd respondent, Deputy Director (CLCSS) in the Office of the Development Commissioner, Ministry of Micro Small & Medium Enterprises on New Delhi relating to an order dated 02.11.2015 by which order the 2nd respondent had reused to release subsidy to the petitioner and to set aside the said order and direct the said respondent to release subsidy of a sum of Rs.15,00,000/- to the petitioner since the petitioner is a registered SSI Unit.

2.The grievance of the petitioner is that in order to upgrade the technology in printing the petitioner had approached the 5th respondent, Indian Bank for financial assistance. A term loan had also been sanctioned for a sum of Rs.1,35,00,000/- on 18.02.2011 under the CLCSS Scheme. The loan amount was also disbursed on 18.11.2011. The printing machines were also purchased and supplied to the petitioner herein. The petitioner claims that they had repaid the loan without any default. In the meanwhile, the petitioner came to understand that the 1st respondent, Ministry of Micro, Small & Medium Enterprises at New Delhi had introduced a Scheme called Credit Linked Capital



Subsidy Scheme (CLCSS). The petitioner had applied seeking benefit under the said Scheme. That was refused by the impugned order. Questioning that refusal, the writ petitioner has filed the present writ petition.

3.It is contended that the petitioner had approached the 1st respondent with a delay of about a month. This point however is contested by the learned counsel for the petitioner who claimed that the application had been made within the prescribed time.

4.Let me not enter into any further discussion on that particular aspect since , the impugned order dated 02.11.2015 is quite cryptic in nature. Para 2 of the order is extracted hereunder:

“2.Your case has been examined in this office. The extent procedures and prudence would not allow it to be considered for release of subsidy under CLCSS”.

5.An order of the similar nature had been examined by a learned Single Judge of this Court in *WP.No.6878 of 2017, Chennai Expo Prints Pvt.Ltd., vs. Government of India and Another*, wherein, the learned Single Judge had



examined the nature of order passed and had come to a conclusion that the order suffers since no reasons had been given in the order. The learned Single Judge had rejected the reason advanced in the counter affidavit and was of the opinion that any reason passed by the respondents should form part of the order itself. Accordingly, the learned Single Judge had remanded the matter back to the 2nd respondent for better appreciation of the facts and for passing a fresh order with reasons. The operative portion of the aforementioned order is extracted below:

“11.In view of the above, the order impugned herein is liable to be set aside and the matter has to be remanded to the 2nd respondent for fresh consideration. Accordingly, the order, dated 02.11.2015 passed by the 2nd respondent is hereby set aside and the matter is remanded to the 2nd respondent for fresh consideration on merits and in accordance with law.”

6.The same order also accrues to the petitioner as the order dated 02.11.2015 passed by the 2nd respondent, does not contain any reasons and is bereft of reasons.

7.Therefore, the impugned order is set aside. The matter is remanded back to the 2nd respondent for fresh consideration. Let a fresh order be passed in



W.P.No.10537 of 2011

accordance with law and after following due procedure as established by law.

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8.The Writ Petition stands allowed to the above terms. No costs.

Consequently, connected miscellaneous petitions are closed.

09.12.2024

Index : Yes/No

NCS : Yes/No

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W.P.No.10537 of 2017

To

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WEB COPY



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