

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.14872 of 2019

Date of Decision : 19.08.2019

M/s Sawadeshi Koreatex

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present : Mr.Abhinav Jain, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner entity seeks a mandamus for directing the respondent-authorities under the Department of Industries and Commerce, Punjab to sanction capital subsidy/investment incentive of Rs.50,00,000/- along with interest @ 6% per annum from the date of entitlement till the actual release.

During the course of hearing, counsel has adverted to a communication dated 29.01.2015 from the Director of Industries and Commerce, Punjab and addressed to the Manager, Punjab Sind Bank and Union Bank of India, Amritsar, at Annexure P-2, calling upon certain information to be furnished and which was in the following terms :

- i) That the unit is functional.
- ii) That the Plant and Machinery is either new or Second hand imported.
- iii) That you are satisfied above the Fixed Capital Investment made by the party in the unit.
- iv) That in case of Export Oriented Unit (EQU) to confirm that the unit is undertaking the required minimum 25% Export of the production.”

Counsel would concede that the information so sought would be a requirement under the Investment Incentive/Capital Subsidy/Interest Subsidy under the package of Incentives-1992 and Industrial Policy, 1996.

It is also the admitted position of fact that the banks in questions have not furnished the complete information to the respondent department as of date. The Punjab Sind Bank as also Union Bank of India are the banks with which the petitioner entity deals.

Under such circumstances, no mandamus can be issued to the respondent department as regards sanction of the capital subsidy/investment incentive as has been prayed for in the instant writ petition.

Confronted with such a situation, counsel seeks withdrawal of the writ petition with liberty to approach his own bankers as also the respondent authorities to press for his claim after furnishing requisite material/documents and as per its entitlement under the incentive package as also industrial policy.

Petition disposed of.

19.08.2019
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No