

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3109 of 2020

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Sun Print and Packers Through its Proprietor Dhananjay Kumar (male), aged about 51 years, son of late Mathura Prasad Jaiswal, resident of Mohalla- Rai Jai Krishna Road, Gurhatta, Police Station- Khajekalan, Patna City, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Department of Industries-cum-Chairman, State Level Committee for Rehabilitation of M.S.M.Es, Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Vikas Bhawan Secretariat, Bailey Road, Patna.
3. The Reserve Bank of India, South Gandhi Maidan, Patna.
4. The Zonal Manager Zonal Office, Canara Bank, Luv Kush Tower, Exhibition Road, Patna- 800001.
5. The Regional Manager Circle Office, Canara Bank, Luv Kush Tower, Exhibition Road, Patna- 800001.
6. The Branch Manager Branch Office, Canara Bank, Patna City Branch, Patna- 800008.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Prasad, Adv.

For the Respondent/s : Mr. Yogendra Prasad Sinha (AAG-7)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 27-02-2020

In exercise of powers conferred under Sections



14 and 16 of the Bihar Industrial Investment Promotion Act, 2016 and Rule 13 of the Bihar Industrial Investment Promotion Rules, 2016, the State Government has notified and gazetted the guidelines for industrial finance to promote industrial investment in the State of Bihar. Certain kinds of industrial units, across the various industrial sectors, have been shown to be eligible for availing of finances, which includes new industrial units, existing industrial units and sick industrial units.

2. Under the guidelines referred to above, the jurisdiction and the methodology for grant of such incentive has also been delineated. However, in Clauses 15 and 16 of the aforesaid resolution, it has been clarified that the guidelines would come into effect from the date of the issue of the resolution and that the Department reserves the authority to amend or change any one of the clauses of the guidelines and review them periodically.

3. Be it noted that this resolution was gazetted on 17th of January, 2019.

4. The petitioner is aggrieved by a further



resolution dated 28th of August, 2019, whereby a decision has been taken to stay the aforesaid resolution dated 17th of January, 2019 temporarily.

5. It has been urged on behalf of the petitioner that the authority under Clause 16 of the Resolution of the 17th January, 2019 to amend, change or review any one of the clauses of the guidelines does not include stoppage of operation/implementation of such guidelines even temporarily.

6. This argument is not at all convincing.

7. The Resolution dated 28th of August, 2019, which has been impugned in the present petition, clarifies that since such incentive guidelines is for the purposes of maximizing the value addition to State's natural resources by supporting industries across the State, generating revenue and creating employment and for the aforesaid purpose, facilitating industrialization of the State which, in turn, would generate employment, the same requires further deliberations and, therefore, the implementation of the aforesaid resolution has temporarily been stayed.



8. It is difficult for this Court to read the words “amend”, “change” or “review” literally and not include temporary stoppage of the implementation of the rules in the aforesaid three expressions.

9. The writ petition appears to have been filed prematurely as a final decision has yet not been taken.

10. No direction/*mandamus* could be issued at this stage, when the process of deliberation is still on.

11. The writ petition is, accordingly, dismissed.

12. The petitioner is however at a liberty to approach this Court at an appropriate time, when such resolution of the government for incentives would be given a complete go-by.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.02.2020
Transmission Date	N/A

