

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1977 of 2020**

M/s Vivek Agrotech Pvt. Ltd. Village Boridkala, Tehsil Gurur, District Balod,
A Registered Company Registered Under The Companies Act, 1956,
Having Its Registered Office At Dhamtari, District Dhamtari Chhattisgarh,
Through Its Director Namely Vivek Agrawal, S/o Shri Shyam Agrawal, Aged
About 39 Years, R/o Dhamtari, District Dhamtari Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Commerce And Industries,
Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa
Raipur, District Raipur, Chhattisgarh
2. Director Of Industries Udyog Bhawan, Ring Road No. 1, Telibandha,
Raipur, District Raipur Chhattisgarh
3. General Manager District Trade And Industries Centre, Balod, District
Balod Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State	:	Mr. Mateen Siddiqui, Dy. AG

Hon'ble Shri Justice P. Sam Koshy
Order on Board

15/09/2020

1. The grievance of the petitioner in the present writ petition seems to be the denial of benefits of subsidy/Protsahan Sahayta Rashi as provided under Industrial Policy of 30.11.2015 and benefit which the petitioners were receiving under the Industrial Policy dated 30.11.2015 and an agreement which was entered into on 24.06.2017.

2. According to the petitioner he had received the benefit of subsidy/ Protsahan Sahayta Rashi as per the said agreement and Industrial Policy referred above uptill 30.06.2017 and thereafter the benefit of subsidy/ Protsahan Sahayta Rashi has not been provided to the petitioner and the reason for not getting the benefit was the coming into force of GST regime w.e.f. 01.07.2017.
3. Contention of the petitioner is that petitioner had invested taking into consideration the conditions stipulated in the Industrial Policy and agreement that was entered into based upon the same Industrial Policy. That now even if there is a change in tax regime the petitioner should not be denied of the benefit of subsidy/Protsahan Sahayta Rashi which was granted by the State Government as a policy decision under their Industrial Policy.
4. At this juncture counsel for the petitioner submits that in all around four industries in the State of Chhattisgarh has got the benefit of same under the Industrial Policy of 30.11.2015 and for a similar issue another company namely, "ABIS Exports India Private Limited had approached this Court vide WPC 614/2020 and where the said writ petition was disposed of directing the respondents to take a decision on the representation that petitioner therein have made to the State Authorities.
5. Counsel for the petitioner in the present writ petition as of now prays for a similar relief and submits that representation of the petitioners are pending before the authorities since 09.05.2019 & 26.07.2019.
6. State counsel on the other hand submits that the issue involved in the case is one which requires a policy decision by the State Government and therefore some reasonable time may be granted for taking a decision. According to the State counsel any decision which the State Government

would be taking would be applicable to other similar establishments also. State counsel further submits that it also needs verification whether the claim put forth in the representation by ABIS Exports India Private Limited is similar to the one claimed by the petitioner or not?

7. Given the said submissions by the counsel on the either side, the present writ petition at this juncture stands disposed of directing the respondent No.1 to take a decision on the representation of the petitioner at the earliest preferably within a period of four months from the date of receipt of copy of this order.
8. In addition, the petitioner would be at liberty to file fresh representation, if he so wants.
9. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit