

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.7245 of 2015

M/s.Pavan Doors and Windows (India) Pvt. Ltd.,
32, Krishnampalayam, 1st Main Road,
Karungalpalayam,
Erode - 638 003.

... Petitioner

Vs.

1. Industries Commissioner and
Director of Industries and Commerce,
Industries and Commerce Department,
Chepauk, Chennai - 600 005.

2. The General Manager,
District Industries Centre,
Chennimalai Road,
Erode - 638 002.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents to grant and disburse the VAT Subsidy of Rs.15,37,034/- for the period from 01.07.2010 to 30.06.2011 as per the terms of G.O.Ms.No.14, Micro, Small and Medium Enterprises (B) Department dated 07.05.2008 issued by the Government of Tamil Nadu, MSME (B) Department, forthwith.

For Petitioner : Mr.T.Ramesh

For Respondents: Ms.A.Madhumathi,
Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to grant and disburse the VAT Subsidy of Rs.15,37,034/- for the period from 01.07.2010 to 30.06.2011 as per the terms of G.O.Ms.No.14, Micro, Small and Medium Enterprises (B) Department dated 07.05.2008 issued by the Government of Tamil Nadu, MSME (B) Department.

2.It is the case of the petitioner that they are eligible to get disbursement of VAT Subsidy for the period from 01.07.2010 to 30.06.2011 as per the Government Order referred above. However, the respondents contended that by order dated 09.08.2011, the 2nd respondent cancelled the Eligibility Certificate issued to the petitioner and as such, they are not entitled to get the disbursement of the VAT Subsidy. Further,

the respondents contended that the Subsidy was disbursed for the period upto 30.06.2010 and for the period from 01.07.2010 to 30.09.2010, the Subsidy was not disbursed, since the petitioner - Unit has not produced the required particulars. So far as the period from 01.10.2010 to 30.06.2011 is concerned, the request made by the petitioner for the disbursement of the VAT Subsidy was rejected for the reason that the Eligibility Certificate was cancelled and that the claim made by the petitioner was belated.

3.Mr.T.Ramesh, learned counsel for the petitioner submitted that the petitioner has given a representation dated 21.12.2011 to the 2nd respondent, however, the 2nd respondent has not passed any order so far. Further, the learned counsel for the petitioner submitted that it would be suffice to direct the 2nd respondent to consider the petitioner's representation dated 21.12.2011 and pass orders, on merits and in accordance with law, within a time frame. That apart, the learned counsel also submitted that liberty may be given to the petitioner to produce all the relevant documents before the 2nd respondent to substantiate the claim made by the petitioner.

4.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents submitted that in the event of the petitioner producing all the relevant documents before the 2nd respondent to substantiate the claim made by the petitioner, the 2nd respondent would consider the same and pass orders, on merits and in accordance with law, after taking into consideration the earlier order of cancellation passed by the 2nd respondent.

5.Having regard to the submissions made by the learned counsel on either side, I give liberty to the petitioner to produce all the relevant documents before the 2nd respondent to substantiate the claim made by them and on receipt of the same, the 2nd respondent shall consider the same, along with the order dated 09.08.2011 passed by them cancelling the Eligibility Certificate issued to the petitioner and pass orders, on merits and in accordance with law, after giving due opportunity of hearing to the petitioner, as expeditiously as possible.

6.With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. Industries Commissioner and
Director of Industries and Commerce,
Industries and Commerce Department,
Chepauk, Chennai - 600 005.

2. The General Manager,
District Industries Centre,
Chennimalai Road,
Erode - 638 002.

+1 cc to Government Pleader Sr.No. 41541

W.P.No.7245 of 2015

A.SK(18.01.2021)



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