

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

201

**RA-CW-104-2017 (O&M) in
CWP-10230-2011**

M/s Thapar Textiles Pvt. Ltd.

... Petitioner (s)/Non-applicant

Versus

State of Punjab and others

... Review-applicant/ Respondents

(2)

**RA-CW-105-2017 (O&M) in
CWP-10220-2011**

M/s D.K. Alums & Acids Pvt. Ltd.

... Petitioner (s)/Non-applicant

Versus

State of Punjab and others

... Review-applicant/ Respondents

(3)

**RA-CW-106-2017 (O&M) in
CWP-9734-2011**

M/s Divya Tubes Pvt. Ltd.

... Petitioner (s)/Non-applicant

Versus

State of Punjab and others

... Review-applicant/ Respondents

(4)

**RA-CW-29-2017 (O&M) in
CWP-9144-2011**

M/s Sandeep Gases Pvt. Ltd.

... Petitioner (s)/Non-applicant

Versus

State of Punjab and others

... Review-applicant/ Respondents

RA-CW-104-2017 (O&M) in CWP-10230-2011 & other connected review applications

-2-

(5)

**RA-CW-376-2016 (O&M) in
CWP-9733-2011**

Punjab Fuels Industries and another

... Petitioner (s)/Non-applicant

Versus

State of Punjab and others

... Review-applicant/ Respondents

Decided on : 23.01.2020

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Ms. Kanica Sachdeva, AAG, Punjab
for the review-applicant/respondents.

Mr. A.K. Chopra, Senior Advocate with
Mr. Akshit Chaudhary, Advocate
for petitioner/non-applicant in RA-CW-376-2016.

Mr. Sunil Chadha, Senior Advocate with
Mr. Lakshay Batra, Advocate and
Ms. Swati Verma, Advocate
for the petitioner/non-applicant in RA-CW-104-2017.

Mr. Atul Sharma, Advocate for
Mr. S.K. Sharma, Advocate the petitioner/non-applicant
in RA-CW-105-2017.

None for the petitioners/non-applicant
in RA-CW-29-2017 & RA-CW-106-2017.

G.S. Sandhawalia, J. (Oral)

Applications for review of the order dated 16.09.2014 in the
above 5 cases have been filed, on the ground that interest @ 8% had been

RA-CW-104-2017 (O&M) in CWP-10230-2011 & other connected review applications

-3-

directed to be paid from the date of entitlement and, thus, appropriate clarifications for the date of payment of interest has been sought.

In **CWP No.9733 of 2011 'Punjab Fuels Industries and another Vs. State of Punjab and others'** there are two petitioners, therefore, taking the total number of units to six. Review applications are also supported by applications for condonation of delay ranging from 497 days to 780 days. Interestingly no review application has been filed in **CWP No.10244 of 2011 'M/s Sona Traders Vs. State of Punjab and others'** which was also decided alongwith the above said cases. These facts are necessary to show that how the State chooses to discriminate in filing the review applications and also complying with the orders of the Court selectively, when it comes to implementing the orders.

Out of the five cases, admittedly in **CWP No.9734 of 2011 'M/s Divya Tubes Pvt. Ltd. Vs. State of Punjab and others'** interest of ₹33,132/- has already been paid from the date of sanction i.e. 01.06.2016. The defence though of the State is that it was on account of a contempt petition having been filed. However, in **CWP No.9733 of 2011 'Punjab Fuel Industries and another Vs. State of Punjab and others'** on 27.01.2017 petitioner No.2-M/s Indocone Papers Products Pvt. Ltd., has also been disbursed the interest element of a sum of ₹6,94,144/- from 16.09.2014, the date of order of this Court.

These facts would be clear from the affidavit filed by Shri Manjit Singh Brar, Director of Industries and Commerce, Punjab, in

RA-CW-104-2017 (O&M) in CWP-10230-2011 & other connected review applications

-4-

compliance of the orders passed on 05.10.2018 in **RA-CW-376-2016 in CWP-9733-2011**.

It is to be noticed that the interest has been granted to compensate the petitioners on account of wrongful deprivation from their legal right, which had been promised to them in the form of a subsidy and had been granted from the date of entitlement. The chart given would also show that the date of sanction varies from 09.12.1993 to 01.06.2016.

The main contention of the State as such was that, when the main case was decided, the units had been closed down and, therefore, granting subsidy as such would not be justified. In the lead case, it was noticed that sanction was granted way-back on 03.11.1998 and the units were successful ran from 16.04.1997 to 30.09.2005 and had come into production from 16.09.1997. In spite of having sufficient opportunities to pay, during the running of the unit, subsidy had not been paid. In such circumstances, compensation by way of interest @ 8% had been given from the date of entitlement.

Though the prayer may have not been made in the other writ petitions, apart from lead case, but once it is found that the same has not been paid to the units and the lapse is on account of the State, the interest component is always by way of compensation as such. Therefore, the State would be liable to pay the said amount irrespective of the claim having not been made, once the entitlement as such has been made out of the petitioners and the case is decided on merits.

RA-CW-104-2017 (O&M) in CWP-10230-2011 & other connected review applications

-5-

Accordingly, keeping in view the above no ground has been made out to condone the inordinate delay and neither any ground has been made out to entertain the review applications, as the reviews are a guise to re-argue the matter, which is not permissible.

Resultantly, the same are dismissed. All pending civil miscellaneous applications also stand disposed of.

JANUARY 23, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No