

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5327 of 2021

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M/s Raj Masala Viklang Rojgar Kendra MIC Bela, Phase- I, P.S. Bela, District- Muzaffarpur, through its Proprietor Raj Kumar (male), aged about 51 years, Son of Late Laxmi Prasad Gupta, resident of Sarai Saiyad Ali Lenin Chowk, Ward No. 11, P.S. Kaji Mohammadpur, Muzaffarpur- 842001, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Vikas Bhawan Secretariat, Bailey Road, Patna- 800015.
2. The Director, Department of Industries, Government of Bihar, Vikas Bhawan Secretariat, Bailey Road, Patna- 800015.
3. The Office Superintendent, District Industries Centre, Bela, Muzaffarpur, District- Muzaffarpur.
4. Bihar Industrial Area Development Authority, Muzaffarpur.
5. The Secretary, Department of Commerce, Secretariat, Bihar, Patna.
6. The Union of India, Ministry of Micro, Small and Medium Enterprises, Department of Industries through its Secretary, New Delhi.
7. The Secretary, Department of Commerce, Ministry of Commerce and Industry, Government of India, New Delhi.
8. Bank of India, Mithanpura Branch, Muzaffarpur, Pin Code No. 842001.

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Kaushal Kumar, Advocate
For the Respondent/s :	Mr. Abbas Haider, SC-6
For the Union of India :	Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

Heard learned counsel for the parties.



The petitioner has prayed for the following relief/s :-

- (i) For issuance of a direction to the respondent authority for payment of amount of capital subsidy of Rs.55 lac (approximately) to the petitioner industries under the Bihar Industrial Policy 2011.
- (ii) For grant of capital subsidy for purchase and installation of machinery as specified in Column-I and Column-II as pre-condition incentive and post production incentive under the Industrial Policy, 2011.
- (iii) For any other relief/reliefs to which the petitioner is found entitled to, may be granted to the petitioner.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following



terms:-

(a) Petitioner shall approach authority concerned within a period of four weeks from today by filing a representation for redressal of grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All



issues are left open;

(h) We expect that the appropriate authority shall consider and decide the petitioner's representation expeditiously and preferably within a period of three months from the date of its presentation; and

(i) While considering such representation, the period for which the petitioner has been pursuing the present petition shall not be counted for the purposes of limitation.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

