

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5932 of 2020

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M/s Responce Renewable Energy Private Limited a Private Limited Company incorporated under the provisions of Companies Act, 1956, having its registered office at 13, Brabourne Road, Mezzanine Floor, Kolkata- 700001, West Bengal, through its General Manager namely Sant Prasad, (Male), aged about 43 Years, Son of Sri Dudh Nath Tiwari, Resident of Babura House, Baldeo Sahai Road, P.S. Kadamkuan, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Director of Industries, Department of Industry, Government of Bihar, Patna.
3. The General Manager, District Industry Centre, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.D.Sanjay, Sr. Advocate Ms. Priya Gupta, Advocate
For the State	:	None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 12-07-2021

Heard learned counsel for the petitioner through video conference.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioner--

“(i) For issuance of writ/direction/order, directing the respondents to forthwith reimburse the interest subsidy of 2% for the period 01.04.2017 to 31.07.2018 and subsequent there upon, on the term loan of an amount of rupees 49.92 crores availed from the State Bank of India, by the



petitioner Company as promised under the Industrial Incentive (Amendment) Policy, Bihar, 2014 vide letter bearing letter no.11/Patna dated 05.01.2015, as the same has not yet been credited in the account of the petitioner company despite fulfillment of eligibility conditions.

(ii) For a declaration that the petitioner is entitled for the interest subsidy from the date of its production i.e. since 30.03.2017 till 7 years as promised by the Respondents under the Industrial Incentive (Amendment) Policy, Bihar, 2014 vide letter bearing letter no.11/Patna dated 05.01.2015.

(iii) For a declaration that the respondent cannot deny the benefits promised under the Industrial Incentive (Amendment) Policy, Bihar, 2011 as amended by Industrial incentive (Amendment) Policy, Bihar, 2014 as the petitioner company fulfilled all the eligibility criteria as required under the said policy.

(iv) For a direction to the Respondents from grant of subsidies at the earliest to save the Petitioner's unit as it is suffering due to non imbursment of the amount of interest subsidy of 2% on term loan; and/or for any other relief(s) for which the petitioner may be found entitled to in the facts & circumstances of the present case."



3. At the very outset, Mr. S.D.Sanjay, learned Senior Counsel appearing on behalf of the petitioner, states on instructions that a representation dated 22.06.2021 has been filed before the concerned authority namely, the Additional Chief Secretary, Department of Industries, Govt. of Bihar, Patna (earlier designation was Principal Secretary, Respondent No. 1), which is still pending. It is submitted that if a direction is issued for disposal of such representation, the present writ petition need not be pressed on merits.

4. None appears on behalf of the State when the matter is called.

5. Having regard to the nature of the grievance as well as the stand of the petitioner, the writ petition is disposed of with a direction to the Additional Chief Secretary, Department of Industries, Govt. of Bihar, Patna (Respondent No. 1) to consider and dispose of the aforesaid representation dated 22.06.2021, if still pending, on its own merit in accordance with law after grant of opportunity of hearing to the petitioner expeditiously and preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment. To facilitate disposal, the petitioner shall furnish their mobile number and email ID to the concerned respondent within a week from today.



6. It is made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and the petitioner shall be at liberty to request for hearing through video conference.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.07.2021
Transmission Date	N/A

