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HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 2028 of 2019

R. Y. B. Frozen Foods Pvt. Limited A Company Registered Under The Indian Companies Act 1956, through its Director Hemraj Bain, Son Of Late H.P. Bain, Occupation Entrepreneur, Presently Working As Director Of R. Y. B. Frozen Foods Pvt. Limited, R/o 91 Last Vista Residency V. I. P. Road Amlidih Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through Secretary Ministry Of Food Processing Industries Panchsheel Bhawan Agust Kranti Marg New Delhi 110049, District : New Delhi, Delhi
2. Secretary, Mega Food Park Division Government Of India Ministry Of Food Processing Industries Panchsheel Bhawan Agust Kranti Marg New Delhi 110049, District : New Delhi, Delhi
3. Secretary, C.E.F.P.P.C. Division Government Of India Ministry Of Food Processing Industries Panchsheel Bhawan Agust Kranti Marg New Delhi 110049, District : New Delhi, Delhi
4. Deputy Industrial Adviser C.E.F.P.P.C. Division Government Of India Ministry Of Food Processing Industries Panchsheel Bhawan Agust Kranti Marg New Delhi 110049, District : New Delhi, Delhi

---- Respondents

For Petitioner	: Shri Rajeev Shrivastava, Senior Advocate with Ms. Isha Jajodia, Advocate.
For the respondent/ Union of India	: Shri Ramakant Mishra, Asst. S.G. with Shri Suyashdhar Diwan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11.11.2021

Heard.

1. It is submitted by counsel for the petitioner that under the scheme of establishment of Mega Food Park in the State of Chhattisgarh, respondent No.1 invited proposals for establishment of Food Processing Industries. The petitioner having the eligibility submitted the proposals for the same. But respondent No.1 modified the guidelines, according

to which, the New Food Processing Industries were to be established only in the States having Mega Food Parks, according to the modified scheme. As there was no Mega Food Park operational in the State of Chhattisgarh, the proposal of the petitioner was rejected by order dated 31.7.2018. It is submitted that the Director of the Petitioner Company, namely, Hemraj Bain is a member of scheduled caste. Another modification has been made in the revised guidelines (Annexure-P/11) on 19.9.2018, in which there is a special provision for SC/ ST entrepreneurs, therefore, the petitioner had eligibility. It is mentioned in the reply of the respondents that the petitioner should have approached to the SPV for allotment of plot in the Mega Food Park and it was not necessary to wait for operationalization of the Mega Food Park for allotment of plots for setting up of food processing units. It is also submitted that even though the Mega Food Park was not operational, the respondents should have considered on the proposal filed by the petitioner. Hence, the order of cancellation of this proposal (Annexure-P/10) is totally erroneous and arbitrary, regarding which, prayer has been made to cancel or to quash the orders dated 31.7.2018 and 1.2.2019, directing the respondents to accept the proposal of the petitioner.

2. Learned counsel for the respondents opposes the submissions and submits that the petitioner company does not have any eligibility because of which, the proposal that was made by the petitioner was not within the scheme of the Creation/ Expansion of Food Processing and Preservation Capacities Scheme (CEFPPC), which was to be implemented by the Ministry of Food Processing Industries, Government of India. It is also submitted that by the minutes of Inter-Ministerial Approval Committee (IMAC) regarding the meeting held on 18.1.2019,

the proposal of the petitioner has not been approved according to agenda item No.16, therefore, the petitioner has been found ineligible for allotment of any project. Hence, the petition be dismissed.

3. In reply, it is submitted by counsel for the petitioner that the respondents made submissions regarding the subsequent scheme, which is not relevant.
4. Heard counsel for both the parties and perused the documents present on record.
5. Considered on the submissions. There is no such admission made by the respondents' side that any Mega Food Park has been established in the State of Chhattisgarh and there is a clear reply of the respondents that the petitioner should have made approaches for setting a food processing unit outside the scheme of Mega Food Park. In the communication dated 31.7.2018, it is clearly mentioned that the proposal of the petitioner was setting up the food processing unit outside the Mega Food Park, therefore, the same was not considered by the Ministry as per the guidelines of the scheme.
6. The scheme guidelines that were issued on 11.7.2017 did not mention that the units were to be allotted only in the Mega Food Park. The scheme was modified by a circular dated 22.9.2017 (Annexure-P/7) that the new units were allotted only in the Mega Food Park. There is no mention of the date on which the petitioner submitted his application/ proposal vide Annexure-P/8. In the scheme guidelines that have been issued again by the respondents on 19.9.2018 vide Annexure-P/11, there is no mention that the proposals were to be invited for establishment of the units in Mega Food Park. The petitioner had submitted a repeat on-line proposal scheme of financial assistance under the scheme, but his proposal was again rejected on the ground

that the date of term loan sanctioned was prior to the EOI date which is in contravention of the extant scheme guidelines.

7. In the scheme of MOFPI dated 19.9.2018, the special provision was incorporated for scheduled caste/ scheduled tribe entrepreneurs. According to which, in case of proposals from SCs/ STs, the proposals having eligible project cost of above Rs.1 crore will be considered in Mega Food Park (MFPs), Agro-processing clusters assisted by the Ministry and in designated food parks by the Ministry. In another clause, the proposals with eligible project cost of more than Rs. 5 crores will be considered irrespective of their locations in the country subject to meeting the other terms & conditions of the scheme guidelines.
8. It appears from the proposal submitted by the petitioner on 14.11.2018 that the cost of project was exceeding to Rs.5 crores. Hence, under the modified scheme dated 19.9.2018, the rejection of proposal appears to be arbitrary and erroneous.
9. After considering on the submissions and the facts present in this case, this petition is dispose off. Respondents are directed to reconsider on the proposals submitted by the petitioner on 14.11.2018 and take a decision on the same at the earliest keeping in view the guidelines in the scheme of 19.9.2018 regarding the specific provisions of SC/ ST candidates.
10. With the aforesaid observations, the present petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge