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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.17493, 17497 & 17500 of 2021
and
WMP.Nos.18586, 18593 & 18597 of 2021

M/s.Gomadhi Engineering Service,
Represented by its Proprietor,
C.Kamal
No.214, Athiyur Road,
Chinnegoundanvalasu,
Kunnathur - 638 103,
Tirupur District.

...Petitioner in W.P.No.17493 of 2021

M/s.Renaissance Power Products Private Limited
Represented by its Director,
Rajkumar Arumugam
No.1/138, Karadivavipudur, Karadivavi,
Palladam Taluk,
Coimbatore District - 641 658

... Petitioner in W.P.No.17497 of 2021

M/s.Sree Amman Mills Spares
Represented by its Authorised Signatory,
A.Santhosh Kumar
No.283, 283/A, Kartar Complex,
Salem - Cuddalore Main Road,
Narasingapuram Post,
Attur Taluk, Salem District - 636 108.

...Petitioner in W.P.No.17500 of 2021

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Agriculture and Farmers Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The State Level Executive Committee (SLEC),
Represented by its Chairman cum
Agricultural Production Commissioner / Secretary to
Government,
Secretariat, Fort St.George,
Chennai - 600 009.



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3. The State Level Technical Committee,
Represented by its Chairman /
Chief Engineer (AE),
Agricultural Engineering Department,
No.487, Anna Salai,
Nandanam, Chennai - 600 035 ...Respondents in all WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to complete the process on the petitioner's application uploaded on 30.06.2021, 30.06.2021 and 03.07.2021 respectively along with documents as directed by the third respondent in letter No.AM 2/18481/2021 dated 26.06.2021 for approval and empanelment of firms under Agricultural Mechanization Programme in the 'Direct Benefit Transfer' Portal for SMAM / other schemes - 2021-22.

For Petitioners : Mr.P.H.Aravind Pandian, Senior Counsel
for Mr.S.Senthil
in WP.Nos.17493 & 17500 of 2021

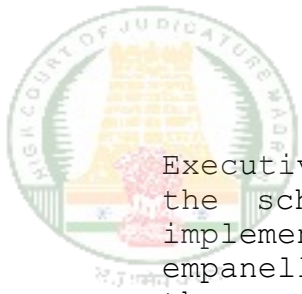
Mr.A.Thiagarajan, Senior Counsel
for Mr.S.Senthil
WP.No.17497 of 2021

For Respondents in all WPs : Mr.Stalin Abhimanyu,
Government Counsel

COMMON ORDER

Mr.Stalin Abhimanyu, learned Government Counsel takes notice for the respondents. With the consent of both sides, these writ petitions are taken up for final disposal at the admission stage itself.

2. The petitioners herein claim to be one of the leading manufacturers of Rotavator, Baler, Shredder and other agricultural machineries. According to the petitioners, the Government of India, through the Ministry of Agriculture, Co-operation and Farmers Welfare, New Delhi had proposed to implement a scheme called Direct Benefit Transfer (DBT) for Agricultural Mechanisation Programme under Sub Mansion on Agricultural Mechanisation (SWAM) through the portal of URL <http://agrimachinery.nic> under the link "Direct Transfer" from the year 2018-2019. For this purpose, a National Steering Committee (NSC) was set up at National Level and the NSC was the policy formulating body to give overall directions and guidelines to effectively monitor and implement the scheme. The second respondent herein is the State Level Executive Committee (SLEC) while the third respondent is the District Level



Executive Committee (DLEC) for the purpose of implementation of the scheme. In other words, the third respondent is the implementing Agency which is empowered with the task of empanelling the agricultural machinery and equipment based on the quality by conducting an inspection and submitting an evaluation report. Clause 6.3.2 (ix) and 11.2.1. (b) (iii) of the guidelines for SWAM 2020-2021 mandate the manufacturers/suppliers who register in the DBT portal, to possess a valid test certificate issued by the Farm Machinery Training and Testing Industries (FMTTIs) or designated State Agricultural Universities (SAUs) or Indian Council of Agricultural Research (ICAR) approved by the Government of India.

3. On the basis of the guidelines issued under the SWAM 2020-2021, the third respondent, invited applications from the manufacturers for approval of firms and for empanelment under the Agricultural Mechanisation Programme in the Portal, The petitioners submitted their applications on-line by enclosing all the documentary evidence, including the test certificates for empanelment. The petitioners claim that they are fully eligible for empanelment and they possess all the eligibility criteria, as called for by the third respondent. However, when the third respondent published the list of empanelled enterprises, the names of the petitioner were (i) either omitted or (ii) third respondent did not give approval to the product of the petitioner or (iii) the petitioner is shown under the "pending category" as the case may be. In effect, the names of the petitioners herein were not empanelled by the third respondent and therefore, they have come up with these writ petitions.

4. The learned Senior Counsel appearing for the respective writ petitioners, in unison, would contend that the petitioners possess all the requisite qualification for being empanelled. However, the third respondent, without assigning any reason, did not approve the names of the petitioners for empanelment. According to the learned Senior counsel for the petitioners, the petitioners have uploaded all the documents including the test certificates as called for by the third respondent. On the basis of the documents uploaded by the petitioners, including the test certificates, the third respondent ought to have empanelled the petitioners. According to the learned Senior counsel for the respective petitioners, unless the third respondent process the applications of the petitioners completely, the petitioners business will be crippled inasmuch as the farmers will not procure the farm equipment from the petitioners directly in the open market as they could not get subsidy from the Government. Therefore, the learned Senior counsel prayed for issuing appropriate direction to the third



respondent as prayed for in these writ petitions.

5. At the outset, the petitioners have not challenged the order passed by the third respondent in not approving the name of the petitioners herein for empanelment. The petitioners also did not raise any allegations as against the third respondent. All that the petitioners require the third respondent is to expeditiously process their applications and to empanel their firms under Agricultural Mechanization Programme in the 'Direct Benefit Transfer' Portal for SMAM / other schemes - 2021-22. It is also evident that the third respondent did not reject the applications of the petitioners but shown the names of the petitioners under the "pending category", meaning thereby, the applications of the petitioners are pending consideration of the third respondent without being processed. In the above facts and circumstances, this Court hereby direct the third respondent to expeditiously process the applications submitted by the petitioners and to pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, all the writ petitions are disposed of. No costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

av/rsh

To

1. The Secretary to Government,
The Government of Tamil Nadu,
Agriculture and Farmers Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Chairman cum
Agricultural Production Commissioner /
Secretary to Government,
The State Level Executive Committee (SLEC),
Secretariat, Fort St.George,
Chennai - 600 009.



3. The Chairman /
Chief Engineer (AE),
The State Level Technical Committee,
Agricultural Engineering Department,
No.487, Anna Salai,
Nandanam, Chennai - 600 035.

+3cc to Mr.S.Senthil, Advocate, S.R.No.41980 to 41982
+1cc to the Government Pleader, S.R.No.42054

W.P.Nos.17493, 17497 & 17500 of 2021

NMI (CO)
GN(14/09/2021)