

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-4032-2021

Date of decision: 22.02.2021

(PROCEEDINGS THROUGH V.C.)

Shree Shubham Logistics Ltd.

..... Petitioner

Versus

National Horticulture Board and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

PRESENT: Mr. Vikas Mishra, Advocate and
Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Arun Gosain, Advocate for respondent No. 1.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a prayer for issuance of a writ of Mandamus, directing the Director, National Horticulture Board, Registered Society under the control of Ministry of Agriculture and Farmer Welfare, Government of India, Gurugram-respondent No.1, to release the credit linked back-ended subsidy/capital investment subsidy in favour of the petitioner @ 40% of the capital cost of its completed project titled as “Cold Storage of Shree Shubham Logistics” situated at Gat No. 123/2/2 and 124/2, Jalgaon to Aurangabad Road, Village-Umale, Tehsil-Jalgaon, District Jalgaon-425001, as per the terms of the Capital Investment Subsidy Scheme for construction/expansion/modernization of cold storage/storages of Horticulture Produce dated 13.07.2010 (Annexure P-2), as claimed in the Subsidy Claim Application dated 09.02.2018 (Annexure P-8) and recommended by respondent No. 2, vide letter dated 28.02.2018 (Annexure P-9).

Learned counsel for the petitioner has submitted that despite recommendation having been made, a communication has been received with regard to the physical verification on inspection of the site to which response has been given by respondent No. 2, reminders have also been sent by respondent No. 2 from time to time, still no decision was taken. It is thereafter that the petitioner ultimately had to file a representation dated 26.10.2020 (Annexure P-21) to the Director, National Horticulture Board-respondent No. 1, which till date has also not been responded to, what to say accepting or taking a decision thereon. Learned counsel for the petitioner states that petitioner would file a detailed supplementary representation to respondent No. 1, within a period of one week from today which may also be considered and decided by the respondent.

In the light of the above, we are of the considered view that at this stage, respondent No. 1, needs to consider and decide the representation dated 26.10.2020 (Annexure P-21) already pending and the supplementary representation, if any, within a period of two months from today by passing a speaking order. In case, the claim of the petitioner as projected in the representation(s) is accepted, the consequential benefits be released to the petitioner within a period of one month thereafter.

Disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 22, 2021
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No