

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4815 of 2021

Shiv Ram Agro through its Proprietor, Godawari Devi, female, Aged about 58 years, wife of Anil Kumar Singh, resident of Dahila Patswan, Gaighat, P.S. and District- Muzaffarpur, Pin-843103

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The PRincipal Secretary, Department of Industries, Government of Bihar, Patna
3. The Director, Department of Industries, Government of Bihar, New Secretariat, patna
4. The Director, Technical Development Department of Industries, Government of Bihar, Patna
5. The General Manager, District Industries Centre, Muzaffarpur
6. The Executive Director, Bihar Industrial Area Development Authority, Regional Office at Muzaffarpur
7. The Punjab National Bank Dehila Branch, Gaighat, Muzaffarpur, Bhosra-258500, District- Muzaffarpur

... .. Respondents

Appearance :

For the Petitioner : Mr. Ajay Prasad with Mr.Kaushal Kumar,
Advocates
For the Respondents : Mr. Subhash Prasad Singh GA-3

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 22-01-2022 This matter has been taken up for hearing online because of *COVID-19* pandemic restrictions.

2. The petitioner is seeking following reliefs in the present writ application:-

“(i) for a direction to the respondent



authority to pay the amount of capital subsidy 32,48,000/- to the petitioner under the Industrial Incentive Policy, 2011.

(ii) For grant of capital subsidy on production and installation of plant and machinery as specified in Column 1 and 2, as pre- production incentive and post production incentive of the Bihar Industrial Incentive Policy, 2011.

(iii) For issuance of a direction to the respondent authorities to grant subsidy on the generator set purchased by the petitioner as 50 per cent Rs. 1,75,000/-

(iv) For issuance of a direction to the respondent authority to dispose of the representation dated 29.09.2016 filed by the petitioner with regard to grant of subsidy through the registered post.

(v) for any other relief/reliefs as your Lordships may deem fit and proper in the interest of justice.”

3. Learned counsel appearing on behalf of the petitioner has relied on a Division Bench decision of this Court dated 29.07.2019 passed in *C.W.J.C. No. 12104 of 2018 (M/S Sunny Stars Hotels Pvt. Limited vs. State of Bihar & Ors.)*. Relying on the said decision, another decision has been rendered by a Single Bench of this Court on 25.02.2020 in *C.W.J.C. No.*



1179 of 2020 (Sri Sai Industries vs. State of Bihar & Ors.).

Reliance is also being placed on yet another Single Bench decision of this Court dated 27.11.2017 passed in *C.W.J.C. No. 12134 of 2015 (Radha Flour Mill (P) Ltd. & Anr. vs. State of Bihar and ors.)*, in support of the petitioner's contention.

4. On careful perusal of the Division Bench decision of the Court in the case of *M/S Sunny Stars Hotels Pvt. Limited (supra)* and subsequent Single Bench decision in case of *Sri Sai Industries and Radha Flour Mill (P) Ltd. & Anr. (supra)*, it is evident that in those cases approval was granted by the State Investment Promotion Board (for short 'the S.I.P.B.'). Holding the said grant of approval by the S.I.P.B. to be an approval granted by the competent authority, this Court had granted relief in those matters.

5. In the present case, it is an admitted fact that the petitioner has simply applied for approval by the S.I.P.B. as stated in paragraph no. 28 of the writ petition.

6. In our opinion, admittedly, the relief, which the petitioner is seeking, is based on the decision of this Court in the case of *M/S Sunny Stars Hotels Pvt. Limited (supra)*, *Sri Sai Industries(supra)* and *Radha Flour Mill (P) Ltd. & Anr. (supra)*. In the absence of approval granted by the S.I.P.B., in the present



case, the said decisions can not be applied. The relief, which the petitioner is seeking, cannot be granted in the facts and circumstances of the case.

7. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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