

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10926 of 2017

M/s Henraajh Feeds India Pvt. Ltd., having registered office at G.62, Ground Floor, P.C. Colony, Kankarbagh, Patna 800020 through its Managing Director, namely, Sri Jaydeep Narayan Srivastava, son of Late Laxmi Narayan Srivastava, resident of Neem Ghat, Water Tank Road, P.O.- Jhauganj, P.S.- Khajekalan, Patna City- 800008.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Project Approval and Monitoring Committee through its Chairman, Principal Secretary (Industries), Government of Bihar, Patna
4. The State Level Committee through Chairman, the Industrial Development Commissioner.
5. Director, Food Processing, Department of Industries, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate
For the Respondent/s : Mr. AC to GP 1

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i) To issue a writ/order/ direction in the nature of mandamus directing the respondent authorities to take immediate and necessary steps for granting the benefit of capital subsidy in favour of the petitioner in terms of the Industrial Incentive Policy, 2011 read with integrated development of Food Processing Scheme, 2008 after approval by the State Investment Promotion Board in its meeting dt. 31.10.2013.
- ii) To hold and declare that once the scheme of the petitioner has been approved and cleared by the State Investment Promotion Board dated 31.10.2013, the project approval and monitoring committee (PAMC) dated 14.03.2016 after approval of the said project.
- iii) To hold and declared that the petitioner is liable for grant of capital subsidy to the tune of Rs. 5 Crore under Food Processing Scheme 2008 read with of the Industrial Incentive Policies 2011 and accordingly direct the respondents for payment of the capital subsidy entitled under the Industrial Incentive Policy.

iv) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

It is brought to our notice that the decision rendered by a coordinate Bench of this Court in CWJC No. 12104 of 2018, titled as **M/s Sunny Stars Hotels Private Limited Vs. The State of Bihar & Ors.** has attained finality, inasmuch as, the Special Leave petition preferred by the State stands dismissed by Hon'ble the Apex Court vide order dated 17.01.2020 passed in SLP (Civil) No. 43744 of 2021.

Parties agree that the petition can be disposed of.

Learned counsel states that certain amount already stands paid to the petitioner. As such, petitioner shall be content if the petition is disposed of with liberty granted to the petitioner to approach the authority concerned by filing a representation within a period of four weeks, with a direction to the authority concerned to consider and decide the same within a period of four weeks from the date of its presentation.

Prayer allowed.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.07.2022
Transmission Date	NA