

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1726 of 2022

Ms Aastha Fine Packaging Pvt. Ltd. through its Director Rajesh Agarwal, aged about 51 years, son of Banwari Lall Agrawal, Director E-7 Fathwa Industrial Area, Patna, P.S. and P.O.-Fathwa, Dist. Patna-80320.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna-800001.
2. The Additional Chief Secretary, Department of Industries, Government of Bihar, Vikas Bhawan, Patna-800001.
3. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna-800001.
4. The Secretary-cum-Commissioner, State Tax and Commercial Taxes Department, Government of Bihar, Vikas Bhawan, Patna-800001.
5. The Secretary, Department of Industries, Government of Bihar, Vikas Bhawan, Patna.
6. The Director of Industries, Department of Industries, Government of Bihar, Vikas Bhawan, Patna.
7. The Director Technical Development Department of Industries, Government of Bihar, Vikas Bhawan, Patna.
8. Dy Commissioner of Sales Tax, Central Circle, Anta Ghat, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prakash Sahay, Advocate
For the Respondent/s : Mr.Vikash Kumar, SC-11

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-03-2022 Petitioner has prayed for the following relief(s):

“(i) to direct respondent to grant
subsidy as per Industrial policy even in
absence of competent Authority the claim of
subsidy is rejected given to the petitioner as



per direction of this Hon'ble High Court.

(ii) To comply the petitioner's claim filed before the authorities.

(iii) To direct authorities to grant subsidy as per Industrial Policy and not to implement their own policy.

(iv) To pay interest of 12% for delay disbursement of subsidy for the loss incurred by the petitioner in Business.”

It is brought to our notice that the decision rendered by a co-ordinate Bench of this Court in CWJC No.12104 of 2018, titled as M/s Sunny Stars Hotels Private Limited, 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 for the petitioner, states that certain amount in terms of the Bihar Industrial Incentive Policy, 2011 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 opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate 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 also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

U			
---	--	--	--

