

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3578 of 2020

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M/s Glatt Solution (P) Limited a Private Limited Company incorporated under the provisions of Companies Act, 1956, having its registered office at 76, Pandit Purshottam Roy Street, 3rd Floor, Kolkata 700007 through its General Manager namely Sant Prasad, (Male), aged about 43 years, son of Sri Dudh Nath Tiwari, Resident of Babura House, Baldeo Sahai Road, P.S. Kadamkuan, Town and District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Director of Industries, Department of Industry, Government of Bihar, Patna.
3. The Deputy Commissioner of Commercial Taxes, In-charge Gandhi Maidan Circle, Patna.
4. The General Manager, District Industry Centre, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.D.Sanjay, Sr. Advocate Ms.Priya Gupta, Advocate
For the Respondent/s	:	Mr.Vikash Kumar (SC-11)

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

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon’ble the Chief Justice/Hon’ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

3 01-07-2022 Petitioner has prayed for the following relief(s):

“i) For issuance of writ/direction/order, directing the respondents of forthwith reimburse the interest subsidy of 2% for the period 01.03.2017 to 31.07.2018 and subsequent there



upon, on the term loan of an amount of rupees 16.50 crores availed from State Bank of India, by the Petitioner Company as promised under the Industrial Incentive (Amendment) Policy, Bihar, 2014 vide letter bearing letter no. 11/Patna dated 05.01.2015, as the same has not yet been credited in the account of the petitioner company despite fulfillment of eligibility condition;

ii) For a declaration that the Petitioner is entitled for the interest subsidy from the date of its production I.e since 28.02.2017 till 7 years as promised by the Respondents under the Industrial Incentive (Amendment) Policy, Bihar, 2014 vide letter bearing letter no. 11/Patna dated 5.01.2015;

iii) For a declaration that the respondent cannot deny the benefits promised under the Industrial Incentive Policy, 2011 as amended by Industrial Incentive (Amendment) Policy, Bihar, 2014 as the petitioner company fulfilled all the eligibility criteria as required under the said policy;

iv) For a direction to the Respondent's for grant of subsidies at the earliest to save the Petitioner's unit as it is suffering due to non imbursement of the amount of interest subsidy of 2% on term loan; and/or for any other relief(s) for which the Petitioner may be found entitled to in the facts & circumstances of the present case."



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 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 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)

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