

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9419 of 2022

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M/s. Dina Metals Limited a Company incorporated under the provisions of the Companies Act, 1956 having its registered office at Abdul Rahmanpur Road, Didarganj, Patna City, Patna - 800009, through its Managing Director, Anand Kumar Sinha, aged about 58 years (Male), son of Late Sharda Nand Prasad, resident of East Ramkrishna Nagar, P.O. New Jaganpura, P.S. Ramkrishna Ngar, Town and District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. State Investment Promotion Board, through its Chairman-cum-Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Principal Secretary, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna - 800015.
4. The Director, Technical Development, Bihar, Patna.
5. The Director of Industries, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna - 800015.
6. The General Manager, District Industries Centre, Udyog Bhawan, East Gandhi Maidan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr.Avinash Shekhar, Advocate
For the Respondent/s	:	Mr.Kinkar Kumar (SC- 9) Ms. Deepika Sharma, AC to SC-9

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) For a direction to the respondent authorities

and in particular Respondent no. 3 to 5, sanction and disburse a sum of Rs. 50 Lakh against capital subsidy in view of Bihar Industrial Incentive Policy, 2011 and its amendment dated 05.01.2015.

(ii) To hold and declare that the petitioner being a small scale industry, the maximum limit for capital subsidy is Rs. 125 Lakh and not Rs. 75 Lakh as has been accepted by the Department.

(iii) To hold and declare that the decision of the Respondents in allowing Capital subsidy of Rs. 75 Lakh against the claim of Rs. 133.30 Lakh is contrary to the Bihar Industrial Incentive Policy, 2011 read with resolution dated 05.01.2015.

(iv) For a direction to the Respondents to take final decision at the earliest upon the representation made by the petitioner on 18.01.2022 regarding the balance capital subsidy of Rs. 50 Lakh and for any other relief or reliefs to which the petitioner is found entitled.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned **i.e. respondent no. 5, The Director of Industries, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna - 800015** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and

preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(f) 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;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	