

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9567 of 2022

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M/s. Shiv Shakti Agro Food Products through its Proprietor Smt. Amrita Sharma (female), aged about 35 years, wife of Anand Kumar, factory situated at village- Baikatpur, P.O. Khusrupur, P.S. - Khusrupur, District- Patna, PIN 803202

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Vikas Bhawan Secretariat, Bailey Road, Patna - 800015.
2. The Director, Department of Industries, Government of Bihar, Vikas Bhawan Secretariat, Bailey Road, Patna - 800015.
3. The Office Superintendent, District Industries, Centre, Patilputra Industrial Estate, Patna.
4. The Secretary, Department of Commerce, Secretariat, Bihar, Patna.
5. The Union of India, Ministry of Micro, Small and Medium Enterprises, Department of Industries through its Secretary, New Delhi.
6. The Secretary, Department of Commerce, Ministry of Commerce and Industry, Government of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Prasad, Adv Mr. Kaushal Kumar, Adv
For the State	:	Mr.Yogendra Pd. Sinha (AAG7) Mr. Rajeev Kumar Sinha, AC to AAG-7
For the UOI	:	Mr. Dr. K.N. Singh, A.S.G Mr. Ratnesh Kumar CGC

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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 issuance of an appropriate writ for issuance of a direction to the respondent authority for making payment of capital subsidy, pre-production as well as post-production of Rs.1,19,20,000/-.
- (ii) For grant of capital subsidy on the purchase and installation of machinery as specified in Column 1 and 2 as pre-condition incentive and post production incentive under the Industrial Policy 2011.
- (iii) For any other relief/reliefs to which the petitioner is found entitled to, may be granted to the petitioner.

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)

ranjan/-

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