IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17147 of 2021

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M/s Sanwara Pet Industries a Proprietorship firm having its office at OM Complex, S P Verma Road, P.S.-Kotwali, District-Patna through its authorized representative Satish Kumar Agarwal, aged about 50 years (Male), Son of Jivraj Agarwal, Resident of Kaka Maa House, Krishna Bhawan, Frazer Road, Behind Hotel Rajasthan, Phulwari, P.S.-Kotwali, Patna-800001.

... ... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industry, Government of Bihar, Patna.
3. Commissioner-cum-Secretary, Department of State Taxes, Government of Bihar, Patna.
4. Director, Industries, Department of Industry, Government of Bihar, Patna.
5. The Director (Technical Development), Department of Industry, Government of Bihar.
6. The General Manager, District Industries Centre, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Advocate

For the Respondent/s : Mr.Vivek Prasad (Gp7)

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

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 22-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

"(I) For issuing a writ or mandamus or any other appropriate writ directing the respondent authorities to implement the Bihar Industrial Incentive Policy, 2011 and thereby pay the entitlement of the petitioner, i.e., total outstanding amount of Rs.62,40,684.80/- to the petitioner under the head of re-imbursement for SGST paid.

(ii) For issuing appropriate writ declaring that the payments to the petitioner as per entitlement for post-production incentives such as reimbursement for SGST paid cannot be kept pending or denied and has to be timely paid to petitioner as and when petitioner applies for the same.

(iii) For issuing a writ of mandamus or any other appropriate writ directing the respondents to produce order(s) and/or letter(s) whereby and whereunder the claim of the petitioner of reimbursement of SGST paid has been denied.

(iv) For issuing a writ of certiorai or any other appropriate writ for quashing such order(s) and/or letter(s) produced whereby and whereunder the claim of the petitioner of reimbursemnt of SGST paid has been denied.

(v) For holding that respondents erred in not releasing the subsidy / reimbursement on the ground that the proposal of the "Competent Authority" given the fact that the proposal already has approved from SIPB (State Investment Promotion Board) and the law has been settled in this regard by the Hon'ble Division bench of this High Court and has been confirmed by the Hon'ble Supreme Court that once the proposal has been approved by the SIPB, no other approval is required.

(vi) For holding that the respondents cannot withhold/discontinue to subsidize and / or reimbursement the entitlements accorded to the petitioner under the Bihar Industrial Incentive Policy, 2011.

(vii) For holding that once the proposal of the investment has been accepted and petitioner is declared entitled under the Policy then the respondents cannot interfere with the disbursal of the reimbursement/subsidy amount to the petitioner.

(viii) For holding that the respondents erred by not releasing full reimbursements and subsides amount given the fact that they hold no authority to refuse/stop/interfere, once proposal of investment has been accepted by the State Investment Promotion Board(SIPB).

(ix) For holding that it is the duty of the respondents to timely release the payments for reimbursement under the head of SGST every time the petitioner submits an application for the same and the petitioner need not go through the unnecessary technicalities and procedures again.

(x) For holding that the respondents cannot make the petitioner run from pillar to post for reimbursement/subsidy once it is found entitled.

(xi) For any reliefs, direction/directions for which the petitioner is entitled may be given."

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.

Mr.Brisketu Sharan Pandey, learned counsel for the petitioner, 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/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2022
Transmission Date	NA