

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14170 of 2022

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Sunil Mahto, Male, aged about 37 years, Son of Kashawar Mahto Resident of Village- Sarai, P.O.- Sarai, P.S.- Maner Sarai, District- Patna, Pin Code- 801213, Proprietor of M/s Sunil Furniture.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Industries, Government of Bihar, Vikas Bhawan Secretariat, Baily Road, Patna- 800015.
2. The Director Department of Industries, Government of Bihar, Vikas Bhawan Secretariat, Baily Road, Patna- 800015.
3. The Office Superintendent District Industries Centre, Patliputra 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.
7. In-Charge, Pradhan Mantri Employment Guarantee Planning West Andheri, Mumbai.
8. Manager, Canara Bank Saidpur Branch, Uday Palace, Patna- 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Prasad, Advocate.
For the Respondent/s : Mr.Yogendra Prasad Sinha, AAG-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(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.)

Date : 30-09-2022

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



“(i) For issuance of a direction for making payment of capital subsidy, pre-production as well as post-production under the Industrial Policy 2011.

(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 making payment of Rs. 16,60,000/-

(iv) 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 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)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	04.10.2022
Transmission Date	

