

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17123 of 2019

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M/s Radha Vanaspati Motihari, Bihar, a Proprietorship Firm through its Proprietor Yamuna Kumar Sikaria, Aged About 41 (Male), son of Shambhu Nath Sikari, a resident of Radha Nagar, P.S. - Motihari, P.O. Motihari, District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Bihar, Patna
2. The Principal Secretary-cum-Commissioner Department of Commercial Taxes, Bihar, Patna
3. The Director Industries Department of Industries, Bihar, Patna
4. The General Manager District Industries Centre, East Champaran, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 08-12-2022 Petitioner has prayed for the following relief(s):

“(i) For issuance of writ in nature of Certiorari, quashing the order contained in memo number 2920 dated 11/08/16, passed by Director Industries, Bihar, Patna. (*hereinafter referred as impugned order*) whereby and whereunder claim of petitioner for grant of subsidy for purchase and installation of Diesel Generating Set in terms of Industrial Incentive Policy, 2006, has been rejected on the purported ground that petitioner company has not furnished documents relating to sanctioned load of electricity board, proof pertaining to payment of



entry tax, which is totally erroneous and non-rest.

(ii) For issuance of writ in the nature of Mandamus Directing and Commanding the Respondent Authority to grant/release the subsidy on Purchase and Installation of Diesel Generating Set Under the Industrial Promotion Policy, 2006.

(iii) Any other relief or reliefs to which the petitioners may be found entitled to in the facts and circumstances of the case.”

Petitioner claims subsidy in terms of the Industrial Incentive Policy, 2006. As per the affidavit filed by the State, the petitioner’s claim stood rejected only on account of non-submission of requisite documents and completion of formalities.

Learned counsel for the petitioner states that petitioner be permitted to submit a fresh application seeking benefits under the said policy.

Shri Vikash Kumar, learned counsel for the respondents, submits that instead of filing a fresh application, petitioner would be allowed to complete formalities and remove the deficiencies whereafter the claim would be considered and decided expeditiously and within a period of 3 months.

Learned counsel for the petitioner states that he shall make himself available in the office of respondent no.3 namely the Director, Industries, Department of Industries, Bihar,



Patna on 19.12.2022 on which date he shall ensure that all formalities, as required in law, are completed.

Let a fresh order be passed on the petitioner's application in accordance with law.

Petition is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Bibhash/KCJha

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