

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20274 of 2019

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M/s Enaviya Food and Beverages Pvt. Ltd., a Company registered under the Companies Act, 2013, and having its registered office at 15/12, Kamruddinganj, Bihar Sharif, Nalanda-803101, Bihar, through its Managing Director and Authorised Person-Sanjay Kumar, age-47 (male), Son of Mr. Jainendra Kumar, Resident of Mohalla-Kamruddinganj, P.S.-Laheer, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department, Government of Bihar, Patna.
2. The Principal Secretary, Industries Department, Government of Bihar, Patna.
3. The Director Industries, Government of Bihar, Patna.
4. The Director, Food Processing, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr.Prince Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Subash Prasad Singh (GA 3)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-12-2022

Petitioner has prayed for following relief (s) : -

“a) For issuance of writ in the nature of certiorari, quashing the Order dated 13.03.2019 contained in Memo No.230 dated 14.03.2019 passed by the Director Industry, Bihar, Patna. (hereinafter referred as "Impugned Order") whereby and whereunder the Claim of Petitioner Company to admit it for grant of subsidy of AMG/MMG/Electricity Duty under Industrial Incentive Policy -2011 has been rejected on the ground that project of Petitioner has not been



approved by the 'Competent authority' - which is totally erroneous and unsustainable in view of the Judgement dated 29/07/2018 passed in the case of *Sunny Stars Hotels Private Limited Vs State of Bihar* passed in CWIC No.12104/2018.

b) For issuance of writ in the nature of mandamus, commanding and directing upon the respondent authorities to admit the Petitioner Company for grant of subsidy of AMG/MMG/Electricity Duty under Industrial Incentive Policy -2011 in terms of the Memo No. 3175 dated 12.09.2018 issued by the Director Industries, Bihar Patna, whereby and whereunder- it has been stated that Petitioner Company is entitled to grant of remission from payment of AMG/MMG for 5 years and Electricity Duty for 7 years from the date of commercial production.

c) For any other relief to which the Petitioner may be entitled to.”

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.

Shri Mrigank Mauli, learned senior 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)

(Partha Sarthy, J)

sujit/chn

AFR/NAFR	
CAV DATE	
Uploading Date	17.12.2022
Transmission Date	

