

Ct. 05
Item No.13
10.11.2022
(Suvendu)

WPA 20914 of 2021

**Terai Tea Company Limited
Vs.
Union of India & Ors.**

Mr. Chayan Gupta
Mr. Ashutosh Singh
Mr. Niladri Banerjee
Mr. Dipankar Thakur
.....for the petitioner

Mr. Arijit Majumdar
.....for the Tea Board

Mr. Ajay Choubey
.....for the UOI

The grievance of the writ petitioner relates to part-payment of subsidy under a Tea Quality Upgradation and Product Diversification Scheme (QUPDS) for the XI Plan Period (01.04.2007 – 31.03.2012).

The petitioner complains that as opposed to an application for subsidy of Rs. 11. 92 lakhs, only an amount of Rs. 3.23 lakhs was disbursed to the petitioner. The petitioner relies on a Post Installation Inspection Report of the Tea Board which shows that the Tea Board had inspected the machinery set up by the petitioner and certified

that the inspection has been carried out as required under the Scheme. The petitioner also submits that there is no document of the Tea Board to show that the Tea Board was dissatisfied with the installation of the machinery by reason of which only part-payment of the subsidy was allowed.

Learned counsel appearing for the Tea Board submits that the concerned Scheme expired in 2014 and that part-payment of the subsidy was disbursed in 2012. Counsel submits that the petitioner could have raised grievance, if at all, in 2012 and not 9 years later in 2021.

Upon perusing the documents, the stand taken by the respondent-Tea Board is belied since there are several letters from the petitioner from 2012 onwards to the Tea Board asking for a reason as to why the full subsidy was not disbursed to the petitioner pursuant to the application made. Remarkably, the first reply of the Tea Board is of 2013 states that a High Level Enquiry Committee under the Chairmanship of the Dy. Chairman, Tea Board will enquire into the matter and identify the person responsible for violation of the guidelines. The reply also refers to a Comprehensive Status Report which was to be submitted.

The only other Reply is of 8th March, 2016 which was three years later, which states that the Committee took a decision in the meeting not to reopen the cases settled prior to 21.03.2014. The letter, however, admits that there is no provision for part-payment under the Scheme.

Given the admission contained in the second letter of 8th March, 2016 that there is no provision for part-payment under the Scheme, this Court is of the view that the Tea Board should be directed to submit a Final Status Report as to the reason for the part-payment to the petitioner and the inaction on the part of the High Level Enquiry Committee in taking any steps in that regard. The contents of both the letters of the Tea Board indicate that certain wrongful practices may have been committed on the part of some persons which remained uninvestigated.

WPA 20914 of 2021 is accordingly disposed of with a direction on the Tea Board to furnish a Comprehensive Final Status Report to the petitioner within a period of four weeks from date. The petitioner shall then have liberty of taking appropriate steps as the petitioner may be advised.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)