



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.6814 OF 2018 AND
W.M.P.NOS.8436 & 8437 OF 2018

M/s. Naser Tanning Company,
A registered Partnership Firm
Rep by one of its Partner,
No.10, Kumarappa Street,
Periamet,
Chennai - 600 003.

.. Petitioner

Vs.

1. Government of India,
Rep by its Under Secretary,
Ministry of Commerce and Industry,
Department of Industrial Policy and Promotion
(Leather Section), Udyog Bhawan,
New Delhi - 110 011.
2. The General Manager,
Small Industries Development Bank of India,
Government Schemes Cell,
No.15, Ashok Marg,
Lucknow - 226 001.
3. The General Manager,
Small Industries Development Bank of India,
Overseas Towers,
No.756-L, Anna Salai,
Chennai - 600 002.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records on the files of the 1st respondent namely the order No.09/127/2015-Leather dated 01.09.2017 rejecting the subsidy granted vide letter dated 30.01.2012 and quash the same and consequently direct the respondents to release the balance subsidy granted vide letter dated 30.01.2012 amounting to Rs.22,94,999/-.



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For Petitioner : Mr. Jayesh B Bolia
And M/s Aiyar & Dolia

For R1 : Mr. P. K. Ganesh
Central Government Standing Counsel

For RR 2 & 3 : Mr. C. P. Hemkumar
for M/s. Ganesh & Ganesh

O R D E R

This Writ Petition is filed for issuance of Writ of Certiorarified Mandamus to call for the records on the files of the 1st respondent namely the order No.09/127/2015-Leather dated 01.09.2017 rejecting the subsidy granted vide letter dated 30.01.2012 and quash the same and consequently direct the respondents to release the balance subsidy granted vide letter dated 30.01.2012 amounting to Rs.22,94,999/-.

2. According to petitioner, the 1st respondent formulated a scheme called Integrated Development of Leather Sector (IDLS) scheme for grant of assistance for development of Leather Industries. The petitioner had applied for the said scheme. The application of the petitioner along with other documents was processed by the 1st respondent and by the order of the 1st respondent dated 30.01.2012, the application of the petitioner was approved and subsidy of Rs.30,59,998/- (Rupees Thirty Lakhs Fifty Nine Thousand Nine Hundred and Ninety Eight Only) was granted for purchase / installation of machines listed by the petitioner in its application by four equal installments of Rs.7,64,999/- (Rupees Seven Lakhs Sixty Four Thousand Nine Hundred and Ninety Nine Only) each. The first installment of Rs.7,64,999/- was released on 22.05.2013. This subsidy was sanctioned as per the 11th plan and when 12th plan came into existence, they modified the scheme to the effect that subsidy can be released in one single payment and the 1st respondent directed the petitioner and others to submit all the documents on or before 10.07.2014. According to the petitioner, he submitted all the documents with 3rd respondent on 27.05.2014 within the time granted by the 1st respondent. As per the procedure, the 3rd respondent has to forward the documents to the 2nd respondent, who in turn shall forward the same to the 1st respondent. The petitioner did not receive any order with regard to disbursement of balance amount. On enquiry, the 3rd respondent informed the petitioner that his application was forwarded to the 2nd respondent on 27.05.2014 itself. Since there was no order, the petitioner approached the 1st respondent and the 1st respondent by the impugned order, rejected the claim of the petitioner on the ground that he has not submitted his documents before 10.07.2014. Hence, the petitioner has come out with the



present Writ Petition challenging the said impugned order.

3. Heard the learned counsel appearing for the petitioner as well as the learned Central Government Standing Counsel appearing for the 1st respondent and the learned counsel appearing for the respondents 2 & 3 and perused the entire materials on record.

4..The learned counsel appearing for the petitioner submitted the above facts and produced a copy of the order of this Court dated 01.04.2021 made in W.P.No.19642 of 2018, wherein the similar issue was considered by this Court and this Court held that even if there is any delay, the same is not fatal to the claim and directed the 1st respondent to disburse the subsidy amount. The learned counsel appearing for the petitioner further submitted that as per the order of this Court in the said W.P.No.19642 of 2018, the 1st respondent released the amount therein. The reasoning in the order relied on by the learned counsel appearing for the petitioner referred to above is squarely applicable to the facts of the present case. In view of the same, the petitioner is entitled to the relief sought for in the present Writ Petition.

5. Accordingly, the impugned order of the 1st respondent dated 01.09.2017 is set aside and the Writ Petition is allowed. The respondents are directed to release the balance subsidy amount to the petitioner granted by the letter dated 30.01.2012, amounting Rs.22,94,999/- (Rupees Twenty Two Lakhs Ninety Four Thousand Nine Hundred and Ninety Nine Only) within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

krk

To

1. The Under Secretary,
Government of India,
Ministry of Commerce and Industry,
Department of Industrial Policy and Promotion
(Leather Section), Udyog Bhawan,
New Delhi - 110 011.



WEB COPY

2. The General Manager,
Small Industries Development Bank of India,
Government Schemes Cell,
No.15, Ashok Marg, Lucknow - 226 001.

3. The General Manager,
Small Industries Development Bank of India,
Overseas Towers, No.756-L, Anna Salai,
Chennai - 600 002.

+1cc to M/s Aiyar & Dolia, Advocate, S.R.No.15012

W.P.No.6814 of 2018

PMK (CO)
PM/28/03/2022