IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21..03..2022

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.16867 of 2017
and
W.M.P.No.18339 of 2017

E.I.D. Parry (India) Limited,
Dare House,
Parry's Corner,
Chennai 60001.
Tamil Nadu,
Rep. By it Sr. Manager – Legal N.Kirubakar

... Petitioner

-Versus-

1.The Union of India,
Rep. By the Secretary to Government,
Ministry of Consumer Affairs,
Food and Public Distribution,
Krishi Bhavan,
New Delhi-110001.

2.The Joint Secretary,
Ministry of Consumer Affairs,
Food and Public Distribution,
Krishi Bhavan,
New Delhi-110001.

3.The Director (SDF),
Department of Food and Public Distribution,
Ministry of Consumer Affairs,
Food & Public Distribution,
Government of India,
Krishi Bhavan, New Delhi 110001.

4.The Chief Director – Sugar,
Ministry of Consumer Affairs,
Food and Public Distribution,
Krishi Bhavan, New Delhi 110001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to extend the benefits of the Buffer Stock Subsidy - 2007-2008 comprised in the Notification No.627(E) dated 20.04.2007, Notification No.F.No.1(5)/2007-SP dated 01.08.2007, GSR 699(E) dated 08.11.2007 and Letter No.6-2/2007-CC dated 24.12.2007 issued by the 1st respondent to the petitioner for the buffer stock maintained by it.

For Petitioner	:	*Mr.Rahul Balaji*
For Respondent(s)	:	*Mr.T.V.Krishnamachari for RR1 to 4*

ORDER

[This matter has been heard through hybrid mode]

This writ petition has been filed seeking a direction to the 1st respondent to extend the benefits of Buffer Stock Subsidy for the year 2007-2008 based on the Notifications and the letter issued by the respondents 1 and 2.

2. The case of the petitioner company is that it is running various sugar mills in the State of Tamil Nadu and the Union Territory of Puducherry. As per the Policy of the Central Government, the petitioner's sugar mills are entitled for buffer stock subsidy and they have complied with all the requisite requirements for getting the benefits of subsidy as per the Notifications issued by the 1strespondent. However, only a portion of subsidy alone has been released by the respondents holding behind a sum of Rs.75,59,144/- . Therefore, the petitioner company made several representations to the authorities for the release of the remaining subsidy. However, so far no order has been passed on the representations of the petitioner company. Hence, the present writ petition.

3. Mr.Rahul Balaji, the learned counsel appearing for the petitioner

company would submit that the Government of India have issued various notifications in respect of buffer stock maintained by the sugar mills and insofar as the petitioner sugar mills are concerned, though they have complied with all the necessary requirements for availing the benefits of subsidy, only a portion of subsidy alone has been released by the authorities concerned and the remaining amount of subsidy for the year 2007-2008 is yet to be released by the Central Government despite several representations from the petitioner's sugar mills. The learned counsel would further submit that in the above circumstances, the 3rd respondent may be directed to consider the representation of the petitioner and pass suitable orders thereon.

4. Mr.T.V.Krishnamachari, the learned counsel appearing for the respondents would submit that subsidy sought for by the petitioner sugar mills relates to the year 2007-2008 and the authorities have to find out as to whether the petitioner sugar mills have complied with all the necessary requirements mandated under the notifications and after verification of the same, the respondents would consider the request of the petitioner sugar mills for the release of subsidy and pass suitable orders within a reasonable time.

5. Considering the limited nature of relief sought for in the writ petition and submissions made on either side, this court, without going into the merits of the claim of the petitioner, directs the petitioner to submit a fresh representation to the 3rd respondent requesting for the release of the eligible subsidy within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the 3rd respondent shall consider it and pass appropriate orders thereon on merits and in accordance with law after verifying the records maintained by them. In the event, the 3rd respondent holds that the petitioner sugar mills are entitled for the subsidy as claimed, the 3rd respondent shall release the eligible subsidy, less already released, within a period of eight weeks from the date of such conclusion.

In the result, this writ petition is disposed of accordingly with the above directions. No costs. Consequently, connected WMP stands closed.

Index : yes / no 21..03..2022
Internet : yes / no
Speaking / Non Speaking Order
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To

1.The Secretary to Government, Ministry of Consumer Affairs, Food and Public Distribution, Krishi Bhavan, New Delhi-110001.

2.The Joint Secretary, Ministry of Consumer Affairs, Food and Public Distribution, Krishi Bhavan, New Delhi-110001.

3.The Director (SDF), Department of Food and Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution, Government of India, Krishi Bhavan, New Delhi 110001.

4.The Chief Director – Sugar, Ministry of Consumer Affairs, Food and Public Distribution, Krishi Bhavan, New Delhi 110001.

V.BHARATHIDASAN.J.,

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