

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

213

CWP-13286-2017

Date of decision: 31.08.2022

WAZIR S. FOODS COMPANY

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sharad Mehra, Advocate for
Mr. Akhilesh Vyas, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed invoking writ jurisdiction of this Court under Article 226/227 of the Constitution of India for a writ in the nature of Mandamus seeking release of the assured and sanctioned capital subsidy as per Annexure P-2 dated 07.06.2000 (Investment Incentive) to the petitioner according to the latest policy/guidelines (Annexure P-5) by the Department of Industries & Commerce.

A short reply by way of affidavit of Sibin C., Director of Industries and Commerce, Punjab dated 03.01.2020 on behalf of respondents No.1 to 5 has been relied upon by the learned State counsel to contend that the capital subsidy of Rs. 25 lacs sanctioned in favour of the petitioner vide letter dated 24.06.2019 has already been released. The relevant extract of the said short reply is reproduced hereinafter below:

“2. That the petitioner has filed the present Writ petition for direction to the respondents to release of capital subsidy of Rs. 25,00,000/- (Rs. Twenty Five Lakh only) sanctioned in favour of the petitioner unit vide letter dated 07.06.2000 (Annexure P-2) in accordance with the directions of this Hon'ble High Court in the case of M/s Balak Gases & Oxygen Plant v/s State of Punjab & Others in CWP 19007 of 2002 decided on 20.05.2011 (Annexure P-11).

3. That case of the petitioner industrial unit was considered by answering department. Accordingly, an amount of Rs. 25,00,000/- (Rs. Twenty Five Lakh only) was released to the petitioner industrial unit vide letter no. 6350-A, dated 24.06.2019. A copy of the same is attached as Annexure R-1. Now, nothing is due to be payable to the Industrial Unit and the present writ petition became infructuous.”

There has been no counter to the aforesaid short reply.

In view of the above, the present petition is dismissed as having been rendered infructuous at this stage. In the event the aforesaid statement incorporated in the affidavit of Director of Industries and Commerce is found to be incorrect, the petitioner is at liberty to seek revival of the present petition.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 31, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No