

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-7613-2017 (O&M).
Date of Decision: 12.09.2022.**

M/s Bakshi Industrial Enterprises Ltd.

... Petitioner

Versus

The State of Punjab and others

... Respondents

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

Present: Mr. Rakesh Bhatia, Advocate, for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner under Articles 226/227 of the Constitution of India, 1950 seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to provide funds for onward disbursement of subsidy/investment incentive sanctioned in favour of the petitioner.

Learned counsel for the petitioner contends that the subsidy has since been released in favour of the petitioner on 22.01.2022, however, he is entitled to release of interest for the delay attributable to the respondents in release of the subsidy. He further places reliance on the judgment passed by a Coordinate Bench of this Court in the matter of CWP No.15249 of 2019, titled as “**M/s Dhingra Rice and General Mills Vs.**

State of Punjab and others, bearing CWP No.15249 of 2019, decided on 12.07.2022. The relevant extract of the same reads thus:-

“The issue with regard to interest is covered by the decision in CWP No.10230 of 2011 titled 'M/s Thapar Textiles Pvt. Ltd. vs State of Punjab and others' decided on 16.09.2014, CWP No.35101 of 2019 titled 'M/s Patiala Enterprises vs State of Punjab and others' decided on 09.03.2022, CWP No.19007 of 2002 titled 'M/s Balak Gases Oxygen Gas Plant and another vs State of Punjab and others' decided on 20.05.2011 being lead case in bunch of 44 cases. In CWP No.17028 of 2009 titled 'M/s Ferozshah Agro Pvt. Ltd. vs State of Punjab and others' decided on 19.04.2010, even closed unit was held entitled to subsidy inspite of the fact that it was not in a running condition and stood closed on the date when the amount was to be disbursed. Even the Division Bench of this Court upheld the order of the learned Single Judge that the unit being not in running condition at the time of disbursement cannot be a ground to deny capital incentives as per industrial policy.

In view of aforesaid attending facts and circumstances of the case, I deem it appropriate to dispose of the writ petition thereby entitling the petitioner to interest @ 6.5% per annum from the date of filing of writ petition till the date on which capital subsidy has been granted i.e. 11.07.2022. Needful be done within a period of two months from today.”

Learned counsel appearing on behalf of the State could not dispute the existence of the aforesaid order against the Department in the aforesaid writ petition.

Accordingly, the present petition is disposed of. The petitioner is held entitled to interest @ 6.5% per annum from the date of filing of the writ petition till the date on which the capital subsidy was released.

The needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

September 12, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No