

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

**CWP No. 29281 of 2019
Date of Decision: October 12, 2022**

Amandeep Singh

...Petitioner

Versus

The Union of India and others

...Respondents

**Coram: Hon'ble Mr. Justice M.S. Ramachandra Rao
Hon'ble Mr. Justice H.S. Madaan**

**Present:- Mr. Peeush Gagneja, Advocate for the petitioner.
Mr. Ravi Sharma, Advocate for respondent No. 2.
Mr. Rakesh Gupta, Advocate for respondent No. 4.**

M.S. Ramachandra Rao, J. (Oral)

In this Writ Petition petitioner seeks release of amount of subsidy due to him payable by the 2nd respondent under the Prime Minister's Employment Generation Programme for the purpose of running his Oil & General Mill.

Before filing the Writ Petition, the petitioner had given a legal notice on 18.12.2018 demanding release of the said amount of ₹3,75,000/-. The Nodal Officer of the Prime Minister's Employment Generation Programme is impleaded as respondent No. 2 in the Writ Petition, and on the ground that reply has not been filed, the right of the said respondent to file a reply was closed on 7.1.2020.

Learned counsel for the petitioner contends that on account of non release of subsidy by the 2nd respondent, the loan account of the petitioner was declared an NPA by the 4th respondent on 10.3.2018, and a notice under Section 13 (2) of the SARFAESI Act, 2002 was served on the petitioner demanding ₹13,18,443/- from the petitioner.

The petitioner contends that as per the terms of the scheme, all that

the petitioner had to do was to approach the 3rd respondent for seeking the benefit of the scheme, and the application of the petitioner would then be forwarded by the 3rd respondent to the 4th respondent, and after the bank releases the 1st installment of the loan, claim for margin money subsidy online should be made, and the same ought to be disposed of by the 2nd respondent, which the 2nd respondent has not done. It is also contended by the petitioner that the petitioner was ready and willing to settle the account with respondent No. 4-Bank, and they had both entered into a one time settlement as well, but unless the amount of subsidy is released to the petitioner, petitioner would be in great difficulty.

Since there is no reply on record from the 2nd respondent, the Writ Petition is allowed, and the 2nd respondent is directed to release the amount of subsidy of ₹3,75,000/- with interest at the rate of 7% per annum from the date on which such subsidy ought to have been released till the actual date of release to the 4th respondent-Bank within four weeks, and the 4th respondent is at liberty to adjust the same towards the loan dues of the petitioner. Any further amount payable by the petitioner to the 4th respondent would be subject to any further action taken by both sides to settle the issue.

(M.S. Ramachandra Rao)
Judge

(H.S. Madaan)
Judge

October 12, 2022

P.Singh

Whether speaking/reasoned?

Yes/No

Whether Reportable?

Yes/No