

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16042 of 2010

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M/S Salson Liquors Private Limited, registered office at Binosiba House,
Near Chandani Market, Fraser Road, Patna-800001 through its Manager Sri
Avinash Kumar, son of Visheshwar Prasad ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Bihar, Patna
 2. Managing Director, Bihar Industrial Development Authority, Udyo Bhawan, Eastern Gandhi Maidan, Patna
 3. The Director of Industries, Department of Industries, Bihar, Patna
 4. Assistant Commissioner, Commercial Taxes, Danapur Circle, Danapur
... Respondents
- =====

with

Civil Writ Jurisdiction Case No. 16047 of 2010

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M/s Goodhost Liquors Private Limited, registered office at Binosiba House,
Near Chandani Market, Fraser Road, Patna-800001 through its Managing
Director, Sri Rajesh Kumar, son of Birendra Kumar ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Bihar, Patna
 2. Managing Director, Bihar Industrial Development Authority, Udyo Bhawan, Eastern Gandhi Maidan, Patna
 3. The Director of Industries, Department of Industries, Bihar, Patna
 4. Assistant Commissioner, Commercial Taxes, Danapur Circle, Danapur
... Respondents
- =====

Appearance :

(In Civil Writ Jurisdiction Case No. 16042 of 2010)

For the Petitioner	:	M/s Sanjeev Kumar & Raju Giri, Adv.
For the State	:	Mr. S.D. Yadav, AAG IX with Mr. Braj Bhushan Mishra, AC to AAG IX
For the BIADA	:	Mr. Prashad Pratap, Adv.

(In Civil Writ Jurisdiction Case No. 16047 of 2010)

For the Petitioner	:	Mr. Y.V. Giri, Sr. Adv. with M/s Ashish Giri, Sumit Kumar Jha 7 Ms. Riya Giri, Adv.
For the State	:	Mr. S.D. Yadav, AAG IX with Mr. Braj Bhushan Mishra, AC to AAG IX
For the BIADA	:	Mr. Prashad Pratap, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
CAV JUDGMENT

Date : 18-10-2023

Heard the learned counsel for the parties.



2. Both the Writ Petitions are being disposed off by this common judgment as the issue involved in both the cases are one and the same. The only question which arises in the present Writ Petitions is as to whether the petitioners are entitled for the grant of incentive as envisaged under the Industrial Incentive Policy Bihar, 2006 (Annexure 3) (hereinafter referred to as, 'the Policy'). It is a case of the petitioners that as per the said Policy the petitioners are eligible for benefits arising out of the Policy for the period from 01.04.2006 till 31.03.2011, i.e., for five years. The application of the petitioners have been rejected on the ground that the industry under which the petitioners' industry falls is under narcotics, therefore, they are not eligible for the said incentive. Learned counsel has taken the Court through the Policy to buttress his contention that as per the said Policy the list of the industries which are not eligible for incentive are mentioned and at serial no. 40 narcotic drugs is mentioned whereas the petitioners unit manufactures "Indian Made Foreign Liquor (IMFL)" which does not fall under the said category. Therefore, the rejection of the application of the petitioner by the authorities concerned for denying the incentives is without any legal basis. Further, Learned counsel has stated that the stand taken by the authorities that in the Hindi version of the said Policy it is clearly mentioned as toxicant



liquid or toxicant drink is misleading and that the officials are bound to give the incentive to the petitioners as per the Policy, which is annexed as Annexure 3. Learned counsel for the petitioners has relied on the judgment of the Hon'ble Supreme Court as well as this Hon'ble Court to buttress his contention.

3. In the counter affidavit filed by the respondents it is categorically stated that the said incentive policy was originally in Hindi and the said Hindi version was approved by the Cabinet and received the assent of the Governor. However, in the English version the words were wrongly translated as "narcotic drugs". Learned counsel has stated that the petitioners cannot take advantage of the wrong translation of the original Hindi version which clearly states that the intoxicant drinks are not eligible for any incentive. Learned counsel has relied on the judgment of this Hon'ble Court to buttress his contention in the case of **Ram Adhin Singh Vrs. State of Bihar & Ors.** reported in **AIR 1994 Pat, 28**, and **Khichri Ram & Ors. Vrs. State of Bihar & Ors.** and analogous cases, reported in **2009 (2) PLJR 265**. The only question in the present Writ Petitions is as to whether the Hindi version relied by the official respondents is the correct one or the English version relied by the petitioners is a correct version. Unless and until the officials verify as to which version has been approved by the Cabinet and received the assent of the Governor,



this Court cannot decide the issue. Therefore, keeping the interest of both the parties in mind, this Court is of the opinion that the ends of justice would be met if the direction is given to the authorities to first verify as to which version of the Policy was approved by the Cabinet and received the assent of the Governor. In case the Hindi version has been approved by the Cabinet and received the assent of the Governor, then, the petitioners do not have any case. In case the English version has been approved by the Cabinet and received the assent of the Governor, then, the petitioners are eligible for incentives which are offered under the above scheme.

4. Having regard to the above the officials respondents are directed to verify the original incentive policy and see whether the approved Policy is in English or in Hindi. The entire exercise shall be completed as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. It is needless to mention that the verification of the original policy shall be done in the presence of the petitioners duly putting them on notice.

5. With the above directions, these writ petitions stand **disposed off**.

(A. Abhishek Reddy , J)

Shamshad/-

AFR/NAFR	NAFR
CAV DATE	13.07.2023
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