

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1408 of 2022

In
Civil Writ Jurisdiction Case No.989 of 2022

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M/s. Kisan Tyre Resole through its Proprietor Mohammad Izhar (male), aged about 39 years, son of Mohammad Rahamatullah, resident of Islamtoli, P.S. Aurangabad (Sadar), District- Aurangabad (Bihar) at present residing at Madarsa Road, (near Gupta Cinema Hall, Aurangabad, Pin Code- 824101 (Bihar), Industries situated at NH-2, Industrial Area, Hasauli, P.S. Aurangabad (Mufassil), District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Vikas Bhawan Secretariat, Bailey Road, Patna-800015, namely S.Siddharth.
2. Pankaj Dixit, Director of Industries, Department of Industries, Government of Bihar, Vikas Bhawan Secretariat, Bailey Road, Patna- 800015
3. The Office Superintendent, District Industries Centre, Industrial Area, P.S.- Aurangabad (Mufassil), District- Aurangabad, namely Sri Rajeshwar Ram.
4. The Secretary, Department of Commerce, Secretariat, Bihar, Patna, Sri Dilip Kumar.
5. The Union of India, Ministry of Micro, Small and Medium Enterprises, Department of Industries through its Secretary, New Delhi, B.B. Swain.
6. The Secretary, Department of Commerce, Ministry of Commerce and Industry, Government of India, New Delhi namely B.V.R. Subrahmanyam.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Kaushal Kumar, Advocate
For the Opposite Party/s :	Mr. P.K. Shahi, Advocate General
	Mr. Yogendra Prasad Sinha (AAG 7)
	Mr. Shankar Kumar, AC to AAG 7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 30-10-2023 The present MJC (contempt petition) is filed for

non-compliance of the orders of this Court dated

07.03.2022 passed in CWJC No. 989 of 2022.



2. Directions are in general like asking the petitioner to submit representation thereafter to provide an opportunity before taking further compliance of this Court's order dated 07.03.2022.

3. The petitioner is stated to have submitted representation claiming certain subsidy benefits under the Scheme which has been placed on record at Annexure-A to the personal supplementary affidavit filed on behalf of opposite party no. 2.

4. The concerned respondent is stated to have issued a show cause notice asking the petitioner to furnish certain documents so as to meet the criteria mentioned in the State Policy decision dated 15.07.2011 insofar as providing certain subsidy to the industry is concerned. The petitioner failed to produce the requisite demanded documents. On the other hand, it is contended that his industry has been approved for the purpose of granting subsidy. Perusal of the impugned decision dated 20.10.2022, it is evident that the petitioner's industry was closed and it has been treated as N.P.A. Thereafter, the petitioner's unit is stated to have been auctioned by the



concerned bank read with Clause 9 of the policy decision dated 15.07.2011, *Prima facie*, petitioner is not entitled as contended by the respondents in their affidavits.

5. Taking note of these factual aspects read with the fact that the petitioner has not been provided oral opportunity of hearing, question of oral hearing may not be warranted in view of the fact that even if petitioner appears for oral hearing, he cannot improve the records like petitioner's unit was closed, its loan being treated as N.P.A. and thereafter the unit is stated to have been auctioned by the concerned bank. Therefore, question of oral hearing would be futile exercise.

6. Accordingly, the present MJC (contempt petition) stands dropped, reserving liberty to the petitioner to approach the concerned authority by giving a detail representation along with the documents. He has to apprise the authority that he would be fulfilling each of the criteria for the purpose of claiming subsidy with reference to the policy decision dated 15.07.2011 produced as Annexure-A to the personal supplementary affidavit of the opposite party no.2. If such detailed representation/ application is



submitted by the petitioner, the concerned authority shall re-visit the same and proceed to pass a speaking order and communicate the same to the petitioner at the earliest.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
Balmukund/-

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