IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18886 of 2019

==

Rajesh Maskara, S/o Sri Hari Shankar Maskara Director, H.I. Dairy and agro products Ltd., resident of Lata Kunj West Boring Canal Road, Patna

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Principal Secretaries Department of Industries, Govt. of Bihar, Patna
3. Director Industries, Govt. of Bihar, Patna
4. Bihar State Credit and Investment Corporation Indira Bhavan, Boring Canal Road Patna through its Managing Director
5. Managing Director Bihar State Credit and Investment Corporation Indira Bhavan, Boring Canal Road Patna

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr.Binodanand Mishra, Advocate
For the Respondent/s	:	Mr.Abbas Haider (SC6)
		Mr. R. K. Singh, AC to SC-6
For Respondent Nos. 4&5:		Mr. Kumar Ravish, Advocate

==

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 13-03-2023

The petitioner by way of this writ petition has prayed for grant of interest at the rate of 12.5% compounded half yearly on the subsidy amount of ₹ 2,32,500 for the period from 06.02.1990 to 16.07.1996 and interest on the subsidy amount of ₹5,42,100 from 06.02.1990 to 15.10.2018 as there was a delay in the release of the subsidy amounts on the part of the respondents.

2. Learned counsel for the petitioner submits that this Court vide order dated 13th of January, 2000 allowed the writ petition filed by the petitioner for payment of the remaining subsidy amount which was due as in the year 1996. The Court further directed that the subsidy amount shall be sanctioned and respondent No.5 shall not be entitled to charge interest on the loan amount to the extent of the subsidy amount, namely, the amount of ₹7,74,600 from the date the same by way of industrial subsidy has become due to the petitioner.

Learned counsel submits that although the subsidy amount was not released up to 2018, the respondent continued to charge interest on the loan amount of ₹7,74,600, and, therefore, the petitioner is entitled to receive the interest on the remaining subsidy amount. Learned counsel also relies on judgments to assert that interest is payable on the subsidy amount.

3. *Per contra,* the respondents have filed their respective counter-affidavits and it has been pointed out that the State Government had declared an industrial policy to revive sick industries and promised different subsidies to such

entrepreneurs, and in pursuance thereof subsidy was to be paid to the petitioner to the maximum of ₹5,00,000/-. The petitioner had set up an industry for which the Bihar State Credit and Investment Corporation (Hereinafter referred to as ‘the BICICO) had granted a term loan of ₹86.26 lakhs to set up the industry. The subsidy amount was also later on modified and increased to an amount of ₹ 15 lacs.

4. The petitioner’s firm was granted a sum of ₹7,25,400 towards the industrial subsidy and the balance sum of ₹7,74,600 could not be paid to him at the relevant time. The Court vide its judgment (supra) directed the respondents to release the remaining amount. However, the said order was challenged in LPA No. 372 of 2001 which was ultimately dismissed on 06.08.2014 and thereafter the remaining amount was released.

5. As regards the loan amount and interest thereto, the petitioner had applied to One Time Settlement Scheme, 2009 (hereinafter referred to ‘OTS Scheme, 2009), and under the said OTS Scheme, 2009 dated 10.11.2009, the petitioner’s loan account was closed. The amount of interest was also reduced considerably. In the circumstances, there was no occasion to state that the interest was charged on ₹7,74,600 separately as it

was a One Time Settlement Scheme. The claim of the petitioner, therefore, for interest on the subsidy of ₹7,74,600 is not made out as the interest on the loan amount of ₹7,74,600 was also not charged.

6. I have considered the submissions. There has been a delay in the payment of subsidy, but this Court finds that in the earlier writ proceedings, LPA was filed which was decided in 2014 and payment was made thereafter. The petitioner did not press for claiming of interest on the delayed payment of subsidy in earlier proceeding nor the Court granted him. A fresh writ petition for claiming interest is not maintainable. Successive writ petitions cannot be entertained. If there was any grievance with regard to non-payment of interest by the Court, in the earlier writ proceedings, the petitioner always had a remedy to take up the matter in LPA or to file a review petition. However, a fresh writ petition for claiming the interest does not lie.

7. As regards the issue with regard claim of interest paid on the amount of ₹7,74,600, as noticed above, there is no separate charge of interest by the respondents. The entire amount of the loan account has been finally adjusted under the OTS Scheme, 2009 which includes payment of interest also.

8. In view thereof, the claim of the petitioner is found

to be not maintainable. The writ petition being devoid of merit is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.20

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.03.2023
Transmission Date	NA