



Rev.Aplw No.253 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	<i>21.12.2022</i>
<i>Delivered on</i>	<i>10 .01.2023</i>

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

Rev.Aplw. No.253 of 2022 &
Suo motu Cont.P.No.991 of 2022

1. The Secretary to Government,
Agricultural Department,
Govt.of Tamil Nadu,
Fort St.George,
Chennai- 600 009.

2. The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai, Nandanam,
Chennai.

3. The Assistant Executive Engineer,
Agricultural Engineering Department
Vazhuthareddy,
Villupuram

.. Petitioners

versus

1. S.Tamizhselvi
2. M/s.Vasavi Motors,
Authorised Dealer for Mahindra Tractors
and Farm Equipments,



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No.21/27, Anjugam Nagar, 1st Street,
Ashok Nagar, Chennai-83.

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3. M/s.Vasavi Motors,
3/4 Gingee Main Road,
T.Mettupalayam,
Villupuram-605 601.

4. Mahindra & Mahindra Financial Service Ltd.,
No.9B Nehruji Road,
Villupuram.

.. Respondents

Prayer: This Review Petition is filed, seeking to review the order, dated
04.02.2022 passed by this Court in WP No.2763 of 2018.

For petitioner : Mr.J.Ravindran, AAG,
assisted by Mr.Murali, G.A.
For Respondent No.1 : Mr.N.Suresh

ORDER

This Review Application has been filed, seeking to review the order
passed by this Court in W.P.No.2763 of 2018.

2. Mr.J.Ravindran, learned Addl.Advocate General appearing for the
review applicant, would submit that the 1st respondent/writ petitioner has
made application for purchase of a mini Tractor with HP, but she has



purchased Mahindra Tractor with 45 HP and sought to claim subsidy. He pointed out that the 1st respondent has purchased the said Tractor from the 3rd and 4th respondents, who are not at all authorized dealers and they have not been empanelled with the Review Applicant. Therefore, he would submit that the 1st respondent is not entitled for any subsidy. Since these aspects have not been considered by this Court, the learned Addl.Advocate General would urge this Court to review the order and consequently, dismiss the Writ Petition filed by the 1st respondent/writ petitioner.

3. On the other hand, the learned counsel appearing for the 1st respondent/writ petitioner, at the outset, would submit that the issue of not purchasing the tractor from the authorized dealer by the 1st respondent and that the 3rd and 4th respondents are not the authorized dealers, was not raised in the counter nor canvassed before the Writ Court. In fact, this fact was admitted by the learned Addl.Advocate General at the time his arguments. The learned counsel would further submit that empanelled dealers referred to by the learned Addl.Advocate General are only dealing with the products which are supposed to be purchased by the eligible



farmers to get subsidy. Further, in the List of Machinery Approved 2016-17, the name of the firm was mentioned, which means, the company which is manufacturing the different models, which the eligible farmers have to purchase, which does not mean that they have to always go to directly to manufacturing firm which is nothing but either Corporate office/Registered office/Branch office of the company manufacturing machinaries of various models, which would be prohibiting the farmers from purchasing from their dealers with different models mentioned by the review applicant.

4. Though this submission now made on behalf of the review applicant, but nowhere in the counter, the review applicant has narrated this aspect. This stage, they cannot take this and even if they take this, the submission made by the learned Addl.Advocate General is not correct and interpretation of the particular document at page nos.35 to 42 of the typed set filed by the Special Government Pleader dated 14.12.2022 is not correct.

5. As far as purchasing 45 HP Mahindra and Mahindra is concerned, the petitioner submitted that this Court also passed a detailed



order stating that the application was made by the 1st respondent/writ petitioner only for 15HP whereas, she purchased 45 HP and even for 45 HP, subsidy is available, however, the petitioner restricted her subsidy to the extent of 15 HP alone Therefore, there is no need to re-adjudicate the said issue which was already decided after taking into consideration of the facts.

6. With regard to the submission on the aspect that they have not produced invoice from the dealer is concerned, it is pertinent to note that the petitioner made application as early as on 3.8.2016 for grant of subsidy, but since the revision partitioner has not taken any steps to pass any orders or call for any particulars, the 1st respondent/writ petitioner without any other option was forced to purchase the machinaries pending disposal of her application by the applicant and subsequently since they have not filed, the review applicant has not disposed off the application, the writ petitioner approached this Court by way of writ petition, wherein, this Court passed a detailed order after considering all the aspects of the matter and therefore, he would submit that there is no need to review the well considered order passed by this Court and hence, the learned counsel sought for dismissal of



the review application.

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7. Heard the learned Addl.Advocate General and the learned counsel appearing for the 1st respondent/writ petitioner and perused the entire material available on record.

8. Mr.Ravindran, learned Addl.Advocate General mainly focused his submission with regard to the invoices pertaining to the tractor from an authorised dealer of the Mahindra and Mahidran and so according to him, the 1st respondent supposed to have purchased from the empanelled dealers mentioned in the list of machinery approved by the Chief Engineer, Agricultural Engineering Department. He referred to “Modalities for the implementation of the Scheme (Agricultural Mechanisation in Tamil Nadu under NADP/SMAM), wherein, under the caption 'Eligibility and Farmers choice', it has been stated as under:

“The farmers are free to choose any brand/make and any type of agricultural machinery and implements as per his/her choice from the empanelled and approved list given by the Agricultural Engineering Department.”



9. The empanelled and approved list talks about only 'list of machinery approved as on 2016-17', wherein, 15 names of the firms have been mentioned, which are the manufacturers of different machineries with different models, having offices at different places and the farmers who purchase the machineries of any of the said listed 15 firms, only become eligible for grant of subsidy. However, the learned Addl.Advocate General would submit that if any farmer purchases from any of the firms, which is not listed and approved in the list of machinerry manufacturers, he/she is not eligible for subsidy. This interpretation as pointed out by the learned Addl.Advocate General is not correct and it would nothing but misleading the Court. For example, in the approved list, Item No.5 denotes the name of the firm as M/s.Mahindra & Mahindra Ltd., but no address was given and in the 2nd column, various models, viz., Swaraj 735 FE, Swaraj 834XM, Swaraj 843XM, etc., which are manufactured by Mahindra & Maindra Ltd., are mentioned and in next columns, prices HP wise were mentioned for the benefit of the purchasers and Item No.10 denotes the name of the firm as M/s.Mahindra & Mahindra Limited and in the 2nd column, various models in the name of Mahindra, viz., Mahindra 575 DI MKM, Mahindra 575 D1



MKM, etc., are mentioned and therefore, different firms/manufacturers have been mentioned which are manufacturing different models. This empanelled list of machinery is nothing but showing the models of manufacture of the respective firms and nowhere it has been stated that the machineries/tractors shall be purchased directly from the manufacturer by the farmers in order to get subsidy under the scheme. Therefore, the interpretation with reference to the list of machinery approved 2016-17 given by the learned Addl.Advocate General is misconceived.

10. As far as purchase of 15 HP by the 1st respondent/writ petitioner is concerned, this Court have already observed while disposing of the Writ Petition vide order dated 4.2.2022 that though the 1st respondent/writ petitioner is entitled for the subsidy towards purchase of 45 HP, but she has made application only for 15 HP, there would be no impediment for the Asst.Executive Engineer to consider the request of the writ petitioner by reducing the subsidy appropriately and grant eligible subsidy for 15 HP.



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11. As regards non furnishing of the invoice and other particulars by the 1st respondent/writ petitioner, it is pertinent to note that since the review applicant has not processed the application submitted by the 1st respondent/writ petitioner in time, finding no option, the 1st respondent/writ petitioner has purchased the machinery/tractor with 45 HP and thereafter, approached this Court seeking to direct the authorities to consider her application and grant subsidy for the 15 HP. Therefore, there is no fault on the part of the 1st respondent/writ petitioner to produce the invoices and other particulars in time, but the fault is only on the part of the applicant in not disposing of the application of the 1st respondent/writ petitioner in time. Had the applicant considered the application of the writ petitioner in time, the writ petitioner could have very well produced the copies of invoice as well as other particulars as this Court already directed the writ petitioner to produce the same. However, in the present case, the respondent already produced the relevant invoices pursuant to the direction of the Writ Court.

12. The concerned authorities who are dealing with the scheme, are well aware of the particulars of the empanelled list of machinery approved 2016-17 regarding the dealers vis-a-vis manufacturers of the models of the



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machinery from whom, the farmers have to approach and purchase the machineries/tractors of their choice. However, it is unfortunate that they have given wrong information to the learned Addl.Advocate General to pass on the same to this Court. This Court highly condemns the officers who provided wrong information to the learned Addl.Advocate General.

13. In view of the above discussion, this Court does not find any mistake apparent on the face of the record to entertain the present Review application and hence, it is liable to be dismissed.

14. Accordingly, the Review Application fails and it is dismissed. No costs.

15. List the contempt petition on 12.01.2022 for framing charges.

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KRISHNAN RAMASAMY.J.,

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Pre delivery Order in
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10.01.2023