

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

208

CWP-28738-2018 (O&M).
Date of Decision: 04.08.2023.

M/S PACO INJECTOMOLD PVT. LTD.

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Amit Jhanji, Sr. Advocate, with
Mr. Shashank Shekhar, Advocate,
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed for seeking quashing of the impugned letter/order dated 25.06.2018 (Annexure P-27) vide which the claim of the petitioner for grant of interest on the remaining 10% of subsidy i.e. Rs.6,76,000/- was rejected allegedly in an illegal and arbitrary manner.

Learned Senior counsel for the petitioner contends that the balance amount of subsidy amounting to Rs.6,76,000/- came to be released to the petitioner only in the year 2017 and accordingly, the claim for interest was set up for the period from 1998 to 2017, however, the same was rejected vide impugned letter/order dated 25.06.2018 (Annexure P-27), hence the present petition.

Notice of motion was issued in this case on 15.01.2019 in pursuance whereof the respondents have filed the reply stating that the

balance amount of subsidy as per the policy has already been released and the petitioner is not entitled interest as mentioned in the sanctioned letter that amount would be disbursed on the availability of funds on seniority basis and there was no condition of payment of interest on delayed payment. It is also stated in the reply that even there is no provision in the Industrial Policy, 1989, to grant interest on delay in disbursement of investment incentives i.e. capital subsidy.

In view of above, counsel assisting the learned Senior counsel for the petitioner submits that the petitioner be permitted to withdraw the present petition so as to enable him to avail alternative efficacious remedy of approaching the Civil Court for seeking the aforesaid relief of interest on delayed payment since various judgments of the High Court have held the petitioners (in the concerned petitions) to be entitled for interest in the cases where there is an inexplicable delay in release of the due payment. The petitioner also seeks liberty to raise all such pleas before the Civil Court and/or any other competent Forum/Authority in appropriate proceedings and at appropriate stage.

The aforesaid prayer is not opposed by the learned counsel for the respondents.

Accordingly, without commenting anything on the merits of the case, the present petition is disposed of as withdrawn with the liberty as aforesaid.

Petition stands disposed of accordingly.

August 04, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No