



W.P.No.32478 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.32478 of 2025

Ms.Hitech Pole
Rep. by its Proprietrix R.Bhavani,
A-19, Rural Industrial Estate,
Kattukuppam, Bahoor Commune,
Puducherry – 605 402.

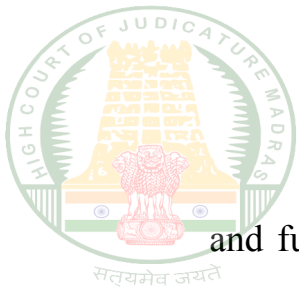
.. Petitioner

VS

- 1.The Government of Puducherry,
Rep. by Industrial Secretary,
Secretariat of Puducherry
Puducherry.
- 2.The Director,
Directorate of Industries & Commerce,
Puducherry.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the
records relating to the order passed by the 2nd Respondent in No.6275/Ind
& Com./T4/24-25/306 dated 28.03.2025 and consequential order dated
25.04.2025 in No.6275/Ind & Com./T4/24-25/383 and quash the same



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and further direct the respondents to pay the remaining 45% sanctioned subsidy of Rs.11,29,548/- with interest to the petitioner within a stipulated period as fixed by this Court.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.A.Tamilvanan
Additional Government Pleader (Puducherry)

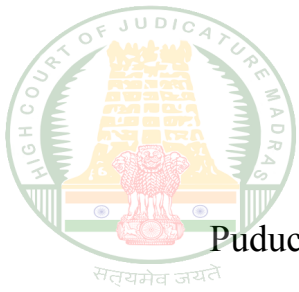
ORDER

Heard Mr.S.Parthasarathy, learned counsel appearing for the petitioner and Mr.A.Tamilvanan, learned Additional Government Pleader (Puducherry) appearing for the respondents.

2.The petitioner is a woman entrepreneur. She is indulging in the manufacture of High Mast Lights, Mini Mast Lights, Holding Mast, Street Lights, Garden Lights, Road side Dividers, Direction Sign Boards, Bus Shelters, Traffic Signals, Solar Energy Systems and Energy Savings Equipments.

3.She commenced the business after obtaining loan to a tune of Rs.70,00,000/- from the Indian Bank, Mettupalayam Branch in the year 2013.

4.In order to encourage persons belonging to the Scheduled Caste / Scheduled Tribe Community / Women entrepreneurs, the Government of



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Puducherry came up with a Notification in G.O.Ms.No.2/2012-Ind-A.

dated 07.05.2012. In terms of the said Notification, the Government offered subsidies for SC/ST/Women entrepreneurs. The relevant portion is found in the sub clause (i) of Clause 3.I. The said portion from the Gazette, for ready reference, is extracted hereunder:-

'3. Subsidies.-

I. CAPITAL INVESTMENT SUBSIDY:

Eligibility.-This scheme shall be applicable to the following categories:

(i)SC/ST/Women entrepreneurs:

Scheduled caste/scheduled tribe/women entrepreneurs shall be eligible for subsidy for the investments made on land, building, plant and machinery @ 25% thereof subject to a maximum of Rs.25.00 lakhs for the small and micro manufacturing enterprises which started production on or after 27-3-2002. The scheduled caste and scheduled tribe entrepreneurs shall be eligible for subsidy at the rate of 25% on the land, building and plant and machinery subject to a cumulative maximum of Rs.50 lakhs for the investment made on or after 24-8-2011, provided the unit commences production/completes expansion as the case may be on or after 24-8-2011.

.....'

5.The petitioner claims that she is entitled to 25% of the Industrial Capital Subsidy. She states she purchased a **new** Hydraulic Press Brake Machine and MIG Welding and Plasma cutting machine to a tune of Rs.1,08,68,100/-. Applying the aforesaid clause, she claimed Rs.25,00,000/- as subsidy.



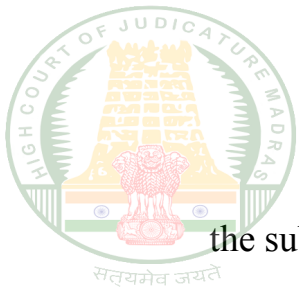
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6.The respondents, on receipt of the application, appointed an Inspection Committee and sanctioned a sum of Rs.6,85,000/- on 09.09.2016, and Rs.6,85,452/- on 27.09.2016. As there was a short fall of Rs.11,29,548/-, the petitioner approached the respondents repeatedly. The representations made by the petitioner were not considered. Hence, she filed W.P.No.12079 of 2021 seeking for a mandamus to direct the respondents to release the aforesaid balance amount. This Court directed the 1st respondent to consider the representation, as the representation was not considered, within the time granted by this Court. The petitioner moved a contempt petition in Contempt Petition No.1290 of 2025. As is not unusual, after the contempt petition was filed, the respondents passed an order. Challenging the same, the present writ petition has been filed. This Court entertained the writ petition and called upon the respondents to go by way of a counter.

7.The respondents 1 and 2 filed a counter accepting that the petitioner is entitled to subsidy, but claimed that since the machinery is not a new machinery, she is not entitled to the amount as claimed. They stated amount of Rs.13,70,452/- that had been paid is in full discharge of the 25% of the subsidy. They supported the impugned order.

8.I have gone through the records. I have also applied my mind to



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the submissions made by both sides.

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10. Insofar as this case is concerned, the petitioner has not produced the invoice for the initial value, nor the second hand purchase value. Therefore, the respondents appointed a team of experts, namely, Mr.G.S.Gunasegarane and Mr.K.Ashok, Associate Professors of Department of Mechanical Engineering to assess the machinery and submit a report on the “Hydraulic Press Brake” purchased by the writ petitioner. These two experts submitted a report giving the valuation at Rs.55,00,000/-. Taking this report, the State Level Committee, which is the Nodal Agency for disbursal of subsidies, ordered the disbursement of Rs.13,70,625/-.



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11.Applying clause 3-I(i) along with 5 sub clause 1(i) it becomes

clear that the respondents, prior to arriving at the figure of Rs.13,70,625/-, had scrupulously adhered to the Notification issued by the Government of Puducherry.

12.Furthermore, of the two Assistant Professors who had been appointed as experts, one is a certified Chartered Engineer from the year 1991. When the respondents have complied with the requirements of the Notification and have disbursed the amount, which according to them, the petitioner is entitled to, for the mere fact the petitioner has paid a higher amount than the actual value of the machinery, will not entitle her to claim subsidy at the value which she paid.

13.In any event, subsidy is not a right, but a concession that is granted by the Government in order to encourage entrepreneurs. The respondents felt that for the machinery purchased by the petitioner, the amount fixed by the Chartered Engineers is just and fair. This Court does not have the expertise to substitute the opinion of the Chartered Engineers. The Nodal Agency also does not possess the competence and therefore, has relied upon the said report. When all has been done in compliance with the Gazette Notification, I am of the view that the impugned order necessarily has to be sustained. In light of the above, the



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writ petition is dismissed. No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

vs

To

1. The Industrial Secretary,
Secretariat of Puducherry
Puducherry.
2. The Director,
Directorate of Industries & Commerce,
Puducherry.



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V. LAKSHMINARAYANAN,J.

VS

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