

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2025.PHHC:041928



**CWP-17249-2024 (O&M)
DATE OF DECISION : 26.03.2025**

M/S JAIRAJ ANCILLARIES PRIVATE LIMITED, FARIDABAD

... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Rahul Gautam, Advocate for the petitioner.

Mr. Sumit Gupta, Addl. A.G., Haryana.

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LAPITA BANERJI, J. (ORAL)

1. Learned counsel appearing on behalf of the petitioner submits that the petitioner is a MSME Company/Unit which came into existence on December 24, 2020. The Ministry of Minor, Small and Medium Industries issued a Notification dated December 24, 2020 (Annexure P-3) whereby several benefits/exemptions were given to such units, provided, the application was made by the eligible Industrial units on the web-portal of the Department in prescribed application forms along with attachments, within three months from commencement of commercial production or within three months from the date of the notification of the scheme, whichever was later.

2. The petitioner tried to apply on the web-portal by March 20, 2021 i.e. within three months from the date of the commercial production

even though the application could have been made by March 24, 2021 (by three months of the publication of the notification). Three months of the commercial production would have ended on March 20, 2021. As the portal was not working, the petitioner could only apply on April 01, 2022. The application was rejected as being time barred by the Additional Director vide the impugned order dated December 08, 2022 (Annexure P-5) and illegally, the petitioner's stamp duty was not refunded.

3. The petitioner had filed an appeal before the respondent No.1- Additional Chief Secretary but the said appeal was also dismissed vide impugned order dated May 20, 2023 (Annexure P-6).

4. The petitioner also filed the revision petition. Vide impugned order dated September 22, 2023 (Annexure P-8), the same was also dismissed.

5. Notice was issued by a Co-ordinate Bench of this Court on July 25, 2024. The State was directed to file a reply on the issue whether the online portal was functioning on the date when the petitioner was required to make its application. The issue whether the authority considered this position was also had to be responded to.

6. Learned State counsel filed Reply, in compliance of the order dated July 25, 2024.

7. From the said reply, it appears that the petitioner was required to apply by March 20, 2021 within three months from the date of commercial production. The web-portal was not functional till July 27, 2021 but the petitioner applied on April 01, 2022. Hence, there was a delay of approximately 08 months from the functioning of the web-portal and the petitioner's application. Therefore, the authority concerned opined that the

argument of the petitioner regarding non-functioning of the web-portal had no legs to stand on.

8. This Court has heard the learned counsel for the parties and perused the material on record.

9. Under Clause 9 of the Notification dated December 24, 2020, the director general had the power to condone the delay upto a period of three months. After the expiry of three months but up to a period of six months after the prescribed limit, the respondent No.1-Additional Chief Secretary could condone the delay.

10. Admittedly, the web-portal was not functioning for a period of more than six months since the date when the commercial production of the unit had started or from the date on which the Notification dated December 24, 2020 was issued. There is nothing on record to show that there was any notification on the website or otherwise to intimate to the manufacturing units about the functioning of the portal.

11. Therefore, this Court is of the view that in order to substantial justice between the parties, the impugned orders dated December 08, 2022 (Annexure P-5), May 20, 2023 (Annexure P-6) and September 22, 2023 (Annexure P-8) are set aside and the authority concerned is directed to decide the petitioner's application on merit, without raising any issue with regard to limitation.

12. The authority concerned shall pass a reasoned order within a period of three months from the date.

13. With the directions aforesaid, writ petition being CWP-17249-2024 is **disposed of**.

14. Connected applications, if any, are also accordingly disposed of.

26.03.2025

Janki

(LAPITA BANERJI)
JUDGE

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