



LPA-296-2017 (O&M)

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

(212)

LPA-296-2017 (O&M)

Date of Decision : 23.07.2025

M/s Blue Peaks Floriculture Ltd.

...Appellant

Versus

The State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Vishal Sodhi, Advocate for the appellant.

Mr. S.S. Gill, Sr. DAG, Punjab.

ASHWANI KUMAR MISHRA, J. (ORAL)**CM-629-LPA-2017**

The delay of 20 days in refiling the appeal has been satisfactorily explained.

Accordingly, the delay of 20 days in refiling the appeal, is condoned.

Application stands **disposed of**.

CM-1516-LPA-2017

Application for placing on record Annexures A-1 and A-2, with exemption from filing certified copies thereof, is allowed, as prayed for. Annexures A-1 and A-2, is taken on record.

CM-1308-LPA-2018

Application for placing on record rejoinder along with Annexure P-11, to the reply filed on behalf of the respondent No.3, is allowed, as prayed for. Annexure P-11, is taken on record.

**LPA-296-2017 (O&M)****2****CM-1580-LPA-2023**

Application for placing on record Annexures P-11 to P-14, is allowed, as prayed for. Annexures P-11 to P-14, is taken on record.

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1. The instant appeal having arisen out of an order dated 02.12.2016, as passed by the learned Single Judge, of this Court, in CWP-24861-2016, rejecting the appellant's claim for capital subsidy, on the ground of delay. Learned Single Judge has noticed that the claim of capital subsidy was based upon a letter dated 04.06.2013, and therefore, the appellant's claim was not considered as per the cause of action, which arose to the petitioner. The writ petition was however filed in the year 2016. It is for this reason that the claim of the appellant was found to be grossly barred by laches and delay by the learned Single Judge.

2. The judgment of learned Single Judge has been assailed on the ground that the respondents themselves had issued a notification dated 21.11.2016, constituting a Committee, to prepare guidelines for disbursement of subsidy to eligible industrialists. An advertisement was also issued by the State, which is annexed along with the counter affidavit, filed by the State. The advertisement (supra), offered an opportunity to the persons, such as the appellant, to apply for capital subsidy.

3. Learned counsel for the appellant submits that the cause of action for approaching the writ Court has arisen only in the year 2016, when its claim was not considered, in terms of the policy of respondents. It is, therefore, submitted that the learned Single Judge has fallen in error in non-suiting the appellant, on the ground of delay.



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4. Mr. S.S. Gill, learned Senior Deputy Advocate General, Punjab, does not dispute the factum of advertisement issued by the respondents-State, inviting applications for processing claim of capital subsidy. Learned counsel for the State, however, submits that a seniority list has been drawn, and the actual disbursement of the subsidy is being processed as per the said policy.

5. In view of the stand, as taken by the respondents, it cannot be said that no cause of action had arisen to the appellant in the year 2016, to file the writ petition. The view taken by the learned Single Judge, dismissing the writ petition, on the ground of delay and laches, therefore, cannot be sustained. Consequently, the judgment and order passed by the learned Single Judge, dated 02.12.2016, is hereby **set aside**.

6. Accordingly, the instant appeal is disposed of, with a direction upon the State of Punjab, to accord consideration to appellant's claim for release of capital subsidy, in terms of its policy, pursuant to which, an advertisement was issued, inviting such claims. An appropriate order in that regard would be passed by the competent authority concerned, within a period of four months, from the date of receipt of certified copy of this order.

7. Appeal stands **disposed of** accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 23, 2025
Manpreet

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