IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 WRIT PETITION NO. 11249 OF 2014

M.S. Gurudeo Bricks Industries Thr. Its Partner Vinay
VERSUS
The State of Maharashtra And Others
...
Mr. Arvind Deshmukh, Advocate for the Petitioner.
Mr. N. S. Tekale, AGP for Respondent Nos.1 to 3.
...

CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

DATE : 9th OCTOBER, 2026

PER COURT :

1. The facts involved in the petition are that the petitioner happens to be a bricks manufacturing unit. The petitioner had applied for special capital incentive under the Package of Incentives Scheme, 2001. It is the case that the petitioner started manufacturing bricks on getting the benefits of the said scheme.

2. The respondents-authorities had granted an incentive subsidy of Rs.3,68,800/- per year so far as years 2008 and 2009 are concerned. There is no dispute that the petitioner had received the said incentive amounts, as the petitioner was found eligible for the same and the manufacturing activity was being carried on during the relevant period.

3. The question is about years 2010 and 2011. During inspections of the site, the authorities found that the unit was closed and no manufacturing activity was being carried on. In view of these findings,

the authorities issued a notice dated 27.05.2014, which is under challenge in the present petition.

4. It is the petitioner's contention that the incentive amount for the years 2010 and 2011 had been disbursed only after the authorities were satisfied regarding the production carried out by the petitioner. The petitioner, therefore, contends that the authorities cannot subsequently direct recovery of the incentive amount already paid to the petitioner. It is in that view, the petitioner has approached this Court challenging the notice dated 27.05.2014.

5. On hearing the petition, the main contention of the petitioner is that the letter dated 27.05.2014 issued by the General Manager, District Industries Centre, Parbhani is without affording any opportunity of hearing to the petitioner.

6. It is further contended that the recovery is directed even for the period prior to 2014. The learned advocate for the petitioner submits that no action can be taken with retrospective effect.

7. The learned AGP, on the other hand, points out the communication issued by the District Industries Centre, Parbhani to the petitioner imposing certain conditions. He submits that, in the event of non-compliance with those conditions, the subsidy granted to the petitioner is liable to be recovered. He further submits that the petitioner failed to satisfy the authorities that the subsidy had been

utilised for the purpose for which it was sanctioned. Accordingly, he justifies the action taken by the authorities, as reflected in the communication dated 27.05.2014.

8. It is seen that no opportunity of being heard was afforded to the petitioner before taking the impugned action. The action appears to have been taken solely on the basis of the inspections conducted at the petitioner's site, during which the unit for which the subsidy had been sanctioned was found to be closed.

9. This Court does not propose to examine the dispute in more detail. It is sufficient to observe that no opportunity of being heard appears to have been given to the petitioner while passing the order.

10. It is open to the petitioner to approach the concerned authorities afresh with the documents previously submitted to the respondents but not considered by them. The petitioner shall appear before the concerned authority within two weeks from today alongwith a copy of this order and the relevant documents. The concerned authority shall consider the said documents and take an appropriate decision on the merits of the matter within two weeks from the date on which the petitioner appears before it.

11. With this, petition stands disposed off.

(JITENDRA JAIN, J.) (KISHORE C. SANT, J.)