
(2019) 11 UK CK 0166
In the Uttarakhand High Court
Case No : Writ Petition No. 551 (M/S) Of 2015

B.A. Alloys Pvt. Ltd

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 21-11-2019

Acts Referred:

Citation : (2019) 11 UK CK 0166

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Aditya Singh, S.R. Joshi

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J

1. This writ petition was dismissed for non-prosecution on 14.02.2018.
2. Learned counsel for the petitioner has moved the restoration application (MCC No.26 of 2019) along with a delay condonation application (CLMA No.497 of 2019) for recalling the order dated 14.02.2018.
3. Grounds shown for delay in filing the restoration application seem to be just and bona fide. The delay condonation application is allowed. Delay in filing the restoration application is condoned.
4. On the grounds urged in the restoration application, the restoration application is allowed. Order dated 14.02.2018 passed by this Court is hereby recalled. The writ petition is restored to its original number.
5. The petitioner before this Court is a company, namely, B.A. Alloys Pvt. Ltd., who runs a factory in the industrial area of District Udham Singh Nagar, Uttarakhand, and manufactures steel ingots and still bars. The factory was registered and established in the year 2009 and it started operation in the year 2010 itself in time. For the factories which were to be established in the State of

Uttarakhand, the Government of India had granted certain incentives by way of a subsidy and tax waiver schemes.

6. One of the schemes on which the reliance is being placed by the learned counsel for the petitioner is the scheme dated 08.01.2003 of the Department of Industries, Government of India. The scheme was to made operational from 07.01.2003 to 06.01.2013 i.e. a period of 10 years and any factory which was established in the designated industrial area in Uttarakhand, was entitled for the subsidy, provided it applies within time.

7. The admitted case of the petitioner before this Court is that he did not apply between 07.01.2003 to 06.01.2013 for grant of the subsidy. This Scheme of the Government of India came to an end on 06.01.2013, and thereafter it was extended by the Government of India for a further period of four years i.e. from 07.01.2013 to 31.03.2017. However, the scheme was only available if a unit has filed its claim before the District Industry Centre within time. Clause 6 of the new scheme, particularly, debars those units which were registered between 2003 to 2013 under the pre-existing scheme and had started production. Clause 6 of the new scheme reads as under:-

"6. The industrial unit registered before 07.01.2013 under the erstwhile scheme of subsidies and have filed the claims within one year from the date of commencement of commercial production /operation would be eligible for subsidies under erstwhile scheme. Units which have registered on or after 07.01.2013 would be covered under the present scheme. However, if such a unit has not registered with DIC (District Industry Centre) due to non-existence of the package during the intervening period or not submitted claim within one year of the date of commencement of commercial production/operation, the unit can do so not later than 31st May, 2014."

8. The petitioner moved an application for the grant of subsidy under the said scheme, which was rejected by the District Industry Centre, Udham Singh Nagar, saying that the petitioner is not eligible for the benefit under the scheme.

9. Admittedly though the petitioner's company was registered between 2003 to 2013 it did not raise any claim for the subsidy between 2003 to 2013, as was provided under the original Scheme. Though, the Scheme was extended but the extended scheme does not cover the case of the petitioner the petitioner was registered between 2003 to 2013 and admittedly the petitioner has not raised any such claim for the grant of subsidy during this period. Therefore, his claim was rightly rejected by the District Industry Centre, Udham Singh Nagar.

10. Consequently, writ petition fails and is hereby dismissed.