

(2008) 02 JH CK 0076
In the Jharkhand High Court

Dhanbad Cold Storage Pvt. Ltd.	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 15-02-2008

Acts Referred:

Citation : (2008) 3 JCR 17

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Final Decision : Allowed

Judgement

N.N. Tiwari, J.—In this writ petition, the petitioner has prayed for a direction on the respondents to grant and release Capital Subsidy, Interest Subsidy and Subsidy on Stamp Duty and Registration, as recommended by the General Manager, District Industries Centre, Dhanbad, respondent No. 3, by his letters dated 10th May, 2003 and 21st May, 2003, contained in Annexures- 3, 3/1 and 4, respectively. The petitioner has also prayed to a direction on the respondents to compensate it for the delay and lapses on the part of the respondents in releasing the amount of subsidies and frustrating the object of Industrial Policy, 2001.

2. It has been stated that the petitioner is a private limited company and runs a cold storage. According to the Jharkhand Industrial Policy, the petitioner is entitled for various physical incentives, such as Capital Subsidy, Interest Subsidy and Subsidy on Stamp Duty and Registration. The petitioner applied for subsidy as per the Industrial Policy with all necessary details. Verification was made. The General Manager vide his Memo Nos. 546 and 547, both, dated 10th May, 2003 recommended to the Director of Industries for sanctioning Capital Subsidy of Rs. 20.00 lacs (Rupees twenty lacs) against the total investment about Rs. 1,33,63,000/- (Rupees one crore thirty three lacs sixty three thousand). The General Manager, District Industries Centre, Dhanbad has also considered the petitioner's claim of subsidy on Stamp Duty and Registration for which he himself sanctioned a sum of Rs. 41,891/- (Rupees forty one thousand eight

hundred ninety one). The Director of Industries was requested to release the said amount by letter dated 21st May, 2003. The recommendation was also made for Interest Subsidy of Rs. 58,900/- (Rupees fifty eight thousand nine hundred).

3. Grievance of the petitioner is that since after the said recommendation and sanction, the matter is pending before the Secretary, Industries Department, Government of Jharkhand, for release of the fund, but even after lapse of about five years, neither amount has been released nor any contrary order has been communicated to the petitioner.

4. A counter affidavit has been filed on behalf of the respondents, stating, inter alia, that the respondents have admitted the said recommendation of the General Manager, District Industries Centre, Dhanbad and have stated that the said recommendation for sanctioning of Capital Subsidy and Interest Subsidy from the Government was placed before the State Level Subsidy Committee meeting on 9th June, 2003 and the same was to be considered lawfully and decision was to be taken.

5. I have heard learned Counsel for the parties and considered the facts and materials brought on record. The respondents have admitted that the recommendation of the General Manager, District Industries Centre, Dhanbad regarding sanction of Capital Subsidy and Interest Subsidy is pending before the respondents since June, 2003. Submission was made that the decision was to be taken within six months, but even after the lapse of about five years no decision has been taken and the subsidy has not been released to the petitioner. The said apathy on the part of the respondents is unexplained.

6. No reason has been assigned for not taking decision for about five years on the recommendation made by the competent authority. The attitude of the concerned respondent does not conform to the object of the Industrial Policy.

7. Since the matter is pending since 2003, it is high time for the concerned respondent to take final decision regarding the sanction of Capital Subsidy, Interest Subsidy and Subsidy on Stamp Duty and Registration, as has been sanctioned by the General Manager, District Industries" Centre, Dhanbad, who is said to be the competent authority for sanctioning the said part of the subsidy. Respondent No. 1 is directed to take final decision to that regard within a period of six weeks from the date of receipt/production of a copy of this order.

8. This writ petition is disposed of with the above observations and directions.