
(2022) 07 PAT CK 0024

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7614 Of 2022

M/S Billion Polycraft Pvt. Ltd

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 14-07-2022

Acts Referred:

Citation : (2022) 07 PAT CK 0024

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Abhishek Kumar, Vikash Kumar

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):-

"i. For issuing a writ of mandamus or any other appropriate writ directing the Respondent Authorities to implement the Bihar Industrial Incentive Policy, 2011 (hereinafter refer to as 'Policy') and thereby pay the reimbursement and subsidy amount as per the entitlement of the petitioner under the head of Capital Subsidy of Plant and Machinery, VAT/GST reimbursement and Electricity Duty.

ii. For issuing appropriate writ declaring that the payments to the Petitioner as per entitlement for post-production incentives as provided for in the Policy cannot be kept pending or denied and has to be timely paid to Petitioner.

iii. For issuing a writ of certiorari or any other appropriate writ for quashing the letter dated 13.10.2017 wherein the Petitioner's claim for subsidy/reimbursement was denied by the Respondents on the ground that the petitioner's proposal does not have approval from the Competent Authority and the same was not reconsidered ignoring the fact that the law has been settled in this regard by the Hon'ble Division Bench of this High Court and has been confirmed by Hon'ble Supreme Court) that there is no need of any further approval when the proposal has been given approval by the State Industrial

Promotion Board (SIPB).

iv. For holding that Respondents erred in not releasing the subsidy/reimbursement on the ground that the proposal of the 'Competent Authority' given the fact that the proposal already has approval from SIPB (State Investment Promotion Board) and the law has been settled in this regard by the Hon'ble Division Bench of this High Court and has been confirmed by the Hon'ble Supreme Court that once the proposal has been approved by the SIPB, no other approval is required.

v. For holding that the respondents cannot withhold/discontinue to subsidize and/or reimbursement the entitlements accorded to the Petitioner under the Bihar Industrial Incentive Policy, 2011.

vi. For holding that once the proposal of the investment has been accepted and petitioner is declared entitled under the Policy then the Respondents cannot interfere with the disbursal of the reimbursement/subsidy amount to the Petitioner.

vii. For holding that the Respondents erred by not releasing full Reimbursements and subsidies amount given the fact that they hold no authority to refuse/stop/interfere, once proposal of investment has been accepted by the State Investment Promotion Board (SIPB).

viii. For holding that the Respondents cannot make the Petitioner run from pillar to post for reimbursement/subsidy once it is found entitled.

ix. For any reliefs, direction/directions for which the petitioner is entitled may be given.

It is brought to our notice that the decision rendered by a coordinate Bench of this Court in CWJC No. 12104 of 2018, titled as M/s Sunny Stars Hotels Private Limited Vs. The State of Bihar & Ors, has attained finality, inasmuch as, the Special Leave Petition preferred by the State stands dismissed by Hon'ble the Apex Court vide order dated 17.01.2020 passed in SLP (Civil) No. 43744 of 2021.

Parties agree that the petition can be disposed of. Shri Abhishek Kumar, learned counsel for the petitioner, states that certain amount already stands paid to the petitioner. As such, petitioner shall be content if the petition is disposed of with liberty granted to the petitioner to approach the authority concerned by filing a representation within a period of four weeks, with a direction to the authority concerned to consider and decide the same within a period of four weeks from the date of its presentation.

Prayer allowed.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice

shall be followed and due petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

Interlocutory application(s), if any, shall stand disposed of.