



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2144 OF 2024

Shreya Patil Agro Producer Company Ltd.,
Through its Director
Devidas Babasaheb Dhupe,
Age: 40 years, Occu: Agri.,
R/o. Pangarkheda, Tq. Ambad,
Dist. Jalna

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Agricultural and Marketing Department,
Mantralaya, Mumbai-32
2. The Project Director,
Nanaji Deshmukh Krushi Sanjeevani
Prakalpa, Mumbai, 30, Arcade,
World Trade Center,
Cuff Parade, Mumbai-400 005
3. The Assistant Project Director,
Nanaji Deshmukh Krushi Sanjeevani
Prakalpa, Mumbai, 30, Arcade,
World Trade Center,
Cuff Parade, Mumbai-400 005
4. The District Superintendent
Agriculture Officer, Jalna,
Dist. Jalna
5. The Project Director,
Nanaji Deshmukh Krushi Sanjeevani
Prakalpa, ATMA, Jalna

....RESPONDENTS

....

(2)

Mr Narendra D. Sonavane, Advocate for Petitioner
Mr S. K. Tambe, A.G.P. for Respondent Nos1 & 4.

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 26th August, 2024

ORAL JUDGMENT (PER : Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by consent of the learned Advocate for the Petitioner and the learned A.G.P. for the State Authorities.

2. The Petitioner has put forth prayer clauses (A) and (B), which read as under :-

“A) Quash and set aside the letter/order dt. 31.1.2024 issued by respondent no. 2 and issue writ of mandamus or writ in the nature of direction to the respondent no. 2 to reconsider the case of the petitioner in view of application dt. 10.1.2024 by granting opportunity of hearing to the petitioner.

B) Issue writ of mandamus or writ in the nature of directions to the respondent no. 2 to grant opportunity to correct the date of incorporation of the company on the portal as granted in the case of other companies and to consider the prayer of the petitioner for release of grant.”

(3)

3. We have perused the Petition paper-book in the light of the submissions of the learned Advocate for the Petitioners and the learned A.G.P. on behalf of the Respondents/State Authorities.

4. The prayers put forth by the Petitioner are vehemently opposed by the learned A.G.P. in the light of the affidavit-in-reply filed by Shri. Jitendra Pandurang Shinde, Project Director of the Agriculture Technology Management Agency (ATMA).

5. We find that the issue narrows down to, as to whether the Petitioner tendered false information with regard to its candidature for seeking benefits of the Nanaji Deshmukh Krushi Sanjeevani Prakash (for short 'NDKSP') or as to whether a simple mistake was committed by the Petitioner in entering an incorrect date of a document, in the Application Form.

6. The Petitioner had applied on 18/08/2022, for seeking benefits of the NDKSP. The Petitioner purchased agricultural equipment of Rs.19,67,000/-. The said scheme funds agricultural machinery of the agriculturists on rent basis and 50% grant for construction of shed, as well as for purchase of agriculture equipments. The Petitioner received the pre-sanction letter on

(4)

19/07/2022 and also received the 'Start Work Order', on 25/09/2022.

7. It is undisputed that the Applicant has to form a Company under the Companies Act and a registration (Incorporation) has to be acquired before the Application can be made. It is undisputed that the Petitioner's Company was incorporated on 02/02/2022, which is evident from the certificate of Incorporation issued by the Assistant Registrar of the Companies pursuant to Sub-section (2) of Section 7 and Sub-section (1) of Section 8 of the Companies Act, 2013 and Rule 18 of the Companies (Incorporation) Rules, 2014.

8. The certificate clearly indicates that the Petitioner's Company is incorporated on 2nd Day of February, 2022 and the Company is limited by shares. The Corporate Identity Number of the Company is also mentioned in the Certificate of Incorporation, besides the Permanent Account Number (PAN), as well as the Tax Deduction and Collection Account Number (TAN).

9. The crux of the matter is that, in the Application dated 21/05/2022, while typing the details in the online form, the date of

(5)

the incorporation was mistakenly mentioned as 11/05/2022 instead of 02/02/2022. The pre-sanction letter has been received by the Petitioner on 19/07/2024. As such, the nucleus of this aspect is that, the Petitioner's Company must have had a certificate of Incorporation, either on the date of pre-sanction, or on the date of the application. Even if the mistaken date is considered, the same is prior to the date of the pre-sanction letter, as well as before granting the Start Work Order letter, which is dated 25/09/2022. Had the Certificate of Incorporation been issued after the pre-sanction letter or after the Start Work Order, it would have amounted to a fraud played by the Petitioner.

10. We have perused the short impugned order dated 31/01/2024, by which, the Assistant Project Director, NDKSP conveyed to the Under Secretary (8-A), Agricultural and Animal Husbandry Department, Mantralaya, Mumbai-32, that the Petitioner has stated false information and produced bogus documents.

11. We are not advertent to four letters written by some Peoples' representatives addressed to the Additional Project

(6)

Director of the NDKSP. What is relevant is that the Assistant Project Director has cancelled the Start Work Order granted to the Petitioner on the ground that the Petitioner had tendered false information and documents (खोटी माहिती व कागदपत्रे). This conclusion itself is unsustainable because the impugned order does not indicate a single false document uploaded by the Petitioner on the FPO-DBD-Portal. So also, there is no reference to any such information, uploaded on the said Portal by the Petitioner, to be construed as false information. The Petitioner had uploaded the Certificate of Incorporation, which alone was enough for the Authorities to consider that the Petitioner does have a Certificate of Incorporation. A wrong date punched in the online form would only indicate that a mistake has occurred while filling in the said online application and verification of all the documents. The Start Work Order was also issued to the Petitioner.

12. In view of the above, we do not find that the impugned order could be sustained. If the strenuous contentions of the learned A.G.P. to be accepted, we would have to adopt a

(7)

pedantic approach. The appropriate words to be used in the impugned order would have been **‘incorrect date’**, instead of **‘false information’**.

13. As such, **this Writ Petition is allowed.** The impugned order dated 31/01/2024, is quashed and set aside. The pre-sanction letter dated 19/07/2022 and the Start Work Order dated 25/09/2022, are sustained. Correction be carried out in the said Online Form accordingly.

14. Since there is no other objection against the Petitioner and in the light of this judgment, we direct the concerned Authorities to initiate steps for granting funds to the Petitioner by following the due procedure applicable and subject to the compliance of the Project guidelines, modified as per the Corrigendum dated 23/08/2022.

15. **Rule is made absolute in the above terms.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk