



2026:UHC:1665

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.559 of 2026

12th March, 2026

Neeraj Gupta

.....Petitioner

Versus

Union of India and others

.....Respondents

With

Writ Petition Misc. Single No.291 of 2026

Writ Petition Misc. Single No.294 of 2026

Writ Petition Misc. Single No.295 of 2026

Presence:-

Mr. Neeraj Garg and Mr. Rajendra Arya, learned counsel for the petitioner.

Mr. Saurav Adhikari (C.G.S.C.) for the Union of India/respondent nos.1 and 2.

Mr. Suyash Pant, S.C. for the State/respondent nos.3 and 4.

Hon'ble Pankaj Purohit, J.

Since this batch of writ petitions involve the common question of fact and law and even the order impugned in the present writ petitions are common, therefore, all the writ petitions are being disposed of by this common judgment and order.

2. For the sake of convenience the facts of WPMS No.559 of 2026 are alone being considered.

3. By means of this writ petition, the petitioner has challenged the communication dated 30.07.2024 and 09.11.2023 issued by respondent nos.1 and 2, whereby it was provided that the benefit of scheme known as Industrial Development Scheme, 2017 (hereinafter referred to as "Scheme of 2017"), shall be extended only to those units which have been registered and not to the



unregistered units.

4. The facts in brief shorn-off unnecessary details are such that the petitioner is a company who have installed a solar power plant in Village-Diyadi Patti, Maunda Dasyun, Tehsil-Satpuli, District-Pauri Garhwal to avail the benefit of Scheme of 2017. It initiated the correspondence for registration as per the provisions of the scheme. The petitioner has invested huge amount of money in the said project but suddenly the impugned communications have been issued by respondent nos.1 and 2 wherein it was stated the benefit of this scheme shall be extended only to those who are registered with the scheme and not to unregistered unit.

5. The petitioner feeling aggrieved by the said communications has filed the present writ petition.

6. Learned counsel for the petitioner at the outset submitted that the case of the petitioner is squarely covered by the order and judgment passed by the High Court of Himachal Pradesh, wherein the said communications dated 30.07.2024 and 09.11.2023 were subject matter and various writ petitions that were filed in the High Court of Himachal Pradesh were allowed by the learned Single Bench of the Hon'ble High Court of Himachal Pradesh. The LPA there against was also dismissed.

7. The judgment and order passed by learned Single Judge as well as learned Division Bench in LPA of High Court of Himachal Pradesh attained finality up to Apex Court.



8. It was provided by High Court of Himachal Pradesh that the matter relating to registration of unit shall be considered by the Empowered Committee as per the Clause 6.1 of policy of the Department of Industrial Policy and Promotion (D.I.P.P.) and the Empowered Committee shall be chaired by the Secretary of the said department and each case shall be examined individually by the Empowered Committee and the entire exercise shall be conducted within a period of four months from the date of order passed by the High Court of Himachal Pradesh.

9. This Court vide order dated 11.03.2026 directed learned C.G.S.C. for the Union of India/respondent nos.1 and 2 to seek instructions in the matter that as to whether the matter of the petitioner is squarely covered by the judgment passed in – *LPA No.169 of 2025, Union of India and another Vs. Atul Sharma and others* – of the High Court of Himachal Pradesh or not.

10. Today learned C.G.S.C. for the Union of India submits that the orders impugned in the present writ petition were also subject matter of the writ petition pending before the High Court of Himachal Pradesh and the matter is squarely covered and these writ petitions may be disposed of in the terms of the said order.

11. Accordingly all these writ petitions are allowed. The Empowered Committee chaired by the Secretary of D.I.P.P. shall consider the case of the each petitioner of this batch of writ petitions separately within a period of four months from the date of production of certified copy



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of this order for grant of incentives under the Scheme of 2017 flouted by respondent nos.1 and 2.

(Pankaj Purohit, J.)
12.03.2026

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