

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**  
**CWP No.5704 of 2014**  
**Decided on: 13.03.2026**

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M/s Ambuja Cements Limited

.....**Petitioner**

**Versus**

State of H.P. and others

.....**Respondents**

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**Coram**

**Ms. Justice Jyotsna Rewal Dua**

**Whether approved for reporting?<sup>1</sup>**

For the Petitioner: Mr. Kulwant Chauhan, Advocate.  
Mr. Virender Thakur, Dy. Manager  
(Legal) in person.

For the Respondents: Ms. Seema Sharma, Deputy Advocate  
General for respondents No. 1, 2 and 4.

Mr. Bharat Bhushan, Senior Panel  
Counsel for respondent No.3.

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**Jyotsna Rewal Dua, Judge**

This writ petition has been filed for grant of  
following substantive reliefs:

“(A) Declare that the factors taken into account by the State Level Committee in its proceedings, dated 30.01.2014, communicated by order, dated 20.02.2014, by respondent No.2 for purposes of rejection of the petitioner’s claim are unreasonable, illegal and violative of Article 14 of the Constitution of India.

(B) Declare that the registration obtained by the petitioner company following due process of law shall be sufficient for the purposes of grant of transport subsidy under the scheme in question from the period

<sup>1</sup>Whether reporters of print and electronic media may be allowed to see the order? Yes.

with effect from commencement of commercial production and that no exceptions can be made in this regard.

(C) Declare that the recommendations/suggestions of State Level Committee, that the transport subsidy be confined only to 50% of the clinker used for conversion to cement within the State of H.P. is illegal, unwarranted and without jurisdiction.

(D) Consequently, issue a writ of certiorari quashing the proceedings of the State Level Committee meeting held on 30.01.2014 and order dated 20.02.2014 passed by the respondent No.2 rejecting the Central transport subsidy claim of the petitioner company as being unfair, unreasonable, in frustration of the object and purposes of the scheme and thus violative of Article 14 of the Constitution.

(E) Declare that sub paragraphs 14 and 15 of para 6 of the Transport Subsidy Scheme, dated 23.07.1971, as amended from time to time, in so far as conferring unguided discretion on the respondents in the matter of registration of the eligible industrial units and the processing of claims by such industrial units, as illegal and violative of Article 14 of the Constitution.

(F) Issue a writ of mandamus directing the respondents to release the amount of subsidy for the first two quarters, namely, April, 2010 to June, 2010 for an amount of ₹10,10,47,995/- and July, 2010 to September, 2010 for an amount of ₹7,43,82, 663/- forthwith; and alongwith due compensation in terms of interest @18% per annum from the due date till the date of actual payment, which amount has been illegally withheld by the respondents or otherwise for the delayed processing of the claims made by the petitioner."

**2.** Learned counsel for the petitioner submitted that petitioner had also preferred CWP No.1586/2025 seeking directions to the respondent-State to decide representation dated 25.09.2025 as to whether MOU dated 01.03.2008 as part of Transport Subsidy Scheme, 1971 or

checklist issued by respondent No.3-UOI for scrutinizing the claims under Transport Subsidy Scheme, 1971. The writ petition was disposed of on 16.10.2025 with direction to State Government to consider and decide the representation within four weeks. Pursuant to directions issued, the respondents convened meeting of the Committee on 03.02.2026 and 18.02.2026. The Minutes of Meeting of the Committee have been incorporated at Annexure A-1 wherein following decision was arrived at by the Committee:-

“Decision of Committee:- In view of above mentioned facts & after detailed deliberations and discussions on the submissions by the petitioner, as well as from the perusal of official record placed before the committee, it was agreed that conditions mentioned in the MoU does not pertain to the subject matter under consideration. It is clear that there is no mention of the company being under the obligation of converting 50% of the total clinker into cement within the State and hence the MoU itself does not deprive the petitioner from in any way availing transport subsidy under Gol’s Transport Subsidy Scheme, 1971. Hence, it was decided to direct the Commissioner (Industries) to convene SLC meeting of Transport Subsidy Scheme in the matter under reference and consider the claim(s) of petitioner in accordance with the guidelines of Gol’s Transport Subsidy Scheme, 1971.”

**3.** Learned counsel for the petitioner submitted that in view of decision now taken by respondents as conveyed in the minutes of meeting at Annexure A-1 dated 19.02.2026, the petitioner would be satisfied in case it is

allowed to file comprehensive representation to respondent No.1- Chief Secretary of the State of H.P. for the redressal of the grievances raised in this petition with further directions to respondent No.1 to decide the same within time a bound schedule. This prayer has not been objected by learned Deputy Advocate General appearing for respondents.

**4.** Keeping in view the above submissions but without examining the merits of the matter, this writ petition is disposed of reserving liberty to the petitioner to make a representation to respondent No.1 for the redressal of the grievances raised in this writ petition within one week. In case such representation is so made within the aforesaid period, same shall be considered and decided in accordance with law keeping in view the Minutes of the Meeting conveyed vide Annexure A-1 dated 19.02.2026. The decision be taken within three weeks. While deciding the representation, an opportunity of hearing be also afforded to the duly authorized representative of the petitioner. The decision so arrived at shall also be communicated to the petitioner.

List for compliance on 10.04.2026.

March 13, 2026  
*yogesh*

Jyotsna Rewal Dua  
Judge