

Court No. - 40

Case :- WRIT - C No. - 36957 of 2023

Petitioner :- M/S Chandhok Textile Enterprises

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Uma Nath Pandey

Counsel for Respondent :- C.S.C.,Baleshwar Chaturvedi

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ms. Nand Prabha Shukla,J.

1. Heard Shr Uma Nath Pandey, learned counsel for the petitioner; learned Additional Chief Standing Counsel for the State respondents; Ms. Shreya Gupta, Advocate holding brief of Shri Ravi Anand, learned counsel for respondent and Shri Baleshwar Chaturvedi, learned counsel for Paschimanchal Vidyut Vitran Nigam Ltd.

2. Present writ petition is preferred with the prayer to command the second and third respondents to forthwith refund the balance electricity duty realized from the petitioner during the period January 2010 to January 2020 as per direction given by Hon'ble High Court in Misc. Bench No.5055/2019 (M/s Bansal Wire Industries Ltd. vs. State of U.P. and others) dated 07.08.2019, which was affirmed up to Hon'ble Apex Court in Special Leave to Appeal No.29175-29178 of 2019 (State of U.P. vs. M/s Bansal Wire Industries Ltd. and others) vide order dated 07.01.2020. Both the said dictum were followed by the Division Bench of this Court in Writ C No.5817/2022 (M/s Benara Udyog Ltd. vs. State of U.P. and others); order dated 06.05.2022.

3. Petitioner claims to be a private limited company. Learned Counsel for the petitioner submits that the State Government has promulgated an Industrial and Service Sector Investment Policy 2004 (in short the 'Policy 2004') under 10th Five Year Plan, keeping a view of extensive industrial development, leading to labour intensive and to eradicate pervasive unemployment and poverty. Under Clause 3.4.2.9 of the Policy 2004, a provision for exemption from electricity duty in respect of units for the first 10 years and a period of 15 years to such new unit was provided. He states that till date the benefit has not been extended to the petitioner inspite of the fact that he has already raised his claim before the Director, Electricity Safety, Government of U.P.,

Lucknow-second respondent, which is to be addressed by him in the light of aforesaid orders/judgements.

4. Considering the facts and circumstances of the case, no useful purpose would be served in keeping the writ petition pending consideration. The writ petition, on consent, is ***disposed of*** asking the Director, Electricity Safety, Government of U.P., Lucknow-second respondent to look into, examine and redress the grievance of the petitioner in the light of aforesaid judgements/orders, within two months from the date of production of certified copy of this order.

Order Date :- 28.10.2023

A. Pandey