

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1669 of 2019

M/s Ind Power Limited (A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956, Having Its Registered Office At P.H. 18-20, Village Kotmar, Near Mohuapali, District- Raigarh, Chhattisgarh, Through Its Authorized Signatory Shri T.R. Rao. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Water Resource Department, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh.
2. The Sub Divisional Officer Water Resource Department, Sub Division-Raigarh, District- Raigarh, Chhattisgarh.
3. The Tehsildar Raigarh Tehsil And District- Raigarh, Chhattisgarh
4. The Executive Engineer Water Resource Department, Sub Division-Raigarh, District- Raigarh, Chhattisgarh. **---- Respondents**

For Petitioner : Mr. Ankit Singhal, Advocate
For State : Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/05/2019

Heard

1. Learned counsel for the petitioner would submit that in earlier round of litigation in WPC No. 2160/2018, this Court vide order dated 03.08.2018 has directed to decide the representation of the petitioner in terms of the observations made in M.S.P. Sponge Iron Limited Vs. State of Chhattisgarh in WPC No. 2533/2016 wherein primary question was raised whether the petitioner company is covered within the Act of 1931 whereby the water tax has been imposed on petitioner company. Subsequently, it is stated that the representation having been made before the State Government, the same is still pending and despite that, another order has

been issued by the Tehsildar for recovery of the water tax. It is stated that in view of the earlier round of litigation since the order have already been passed, the petitioner was given the liberty to file a representation, and till the representation is decided, the Tehsildar may be restrained to recover the water tax imposed by coercive method.

2. A perusal of the record shows that earlier round of litigation in M.S.P. Sponge Iron Limited Vs. State of Chhattisgarh in WPC No. 2533/2016, order was passed by this Court that the parties therein shall make a representation questioning the fact as to whether the Chhattisgarh Irrigation Act, 1931 is applicable to the industrial firm or not. The same order was further followed in a writ petition filed by the present petitioner in WPC No. 2160/2018 dated 03.08.2018, wherein this Court has passed the similar order reiterating the earlier order passed in WPC No. 2533/2016 (M.S.P. Sponge Iron Limited vs. State of Chhattisgarh).
3. The representation of the petitioner thereafter was filed vide Annexure P/4 which is pending adjudication till date. In view of such earlier facts, it is directed that the representation of the petitioner may be decided within a further period of two months from the date of presentation of the copy of this order and till then, no coercive steps should be taken against the petitioner for recovery of the water tax as per the demand made.
4. With such observations, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge