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**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 2094 of 2020**

MSP Steel & Power Ltd. Through The Senior General Manager (Corporate), Prashant Pandey S/o S N Pandey, Age 53 Years, R/o Chakradharnagar, Bangla Para, Raigarh, Having Its Steel Factory At Village Jamgaon, Post Jamgaon, Tahsil And District Raigarh, Chhattisgarh And Registered Office At 1, Crooked Lane, Kolkata (West Bengal)

**---- Petitioner****Versus**

1. The State Of Chhattisgarh Through Secretary, Department Of Energy, Naya Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh
2. Chhattisgarh State Industrial Development Corporation Limited, A Corporation Constituted By The Government Of Chhattisgarh Through Its Managing Director, Having Its Office At 1st Floor, Udyog Bhawan, Ring Road No. - 1, Telibandha, Raipur, Chhattisgarh
3. The Chief Electrical Inspector, State Of Chhattisgarh, Indrawati Bhawan, Naya Raipur, Raipur, Chhattisgarh
4. The Collector, Raigarh, District Raigarh, Chhattisgarh
5. The Naib-Tehsildar Raigarh, District Raigarh, Chhattisgarh

**---- Respondents**


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| For Petitioner | : | Mr. Sourabh Sharma, Advocate        |
| For State      | : | Mr. Vivek Ranjan Tiwari, Addl. A.G. |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****16.09.2020**

1. The grievance of the petitioner in the present writ petition seems to be the non-consideration by the respondents on the claim of the petitioner for exemption from payment of electricity duty.

2. Present is the second round of litigation. In the earlier round of litigation, this Court had disposed of the same directing the respondents to decide the representation that the petitioner had made in respect of seeking exemption from payment of electricity duty. The said application till date is pending consideration.
3. According to the petitioner, the representation is still pending consideration and the matter was fixed on 27<sup>th</sup> of March 2020 for hearing on the same but because of COVID-19 pandemic, effective hearing could not be held. In between, the respondents have now raised demand notice on 15.07.2020 and subsequently RRC has also been issued on 13.08.2020 and the present writ petition has been filed on 26<sup>th</sup> of August, 2020. Subsequent to the filing of the writ petition, the respondents have now issued the petitioner with a notice to appear on 29<sup>th</sup> of September of 2020 for consideration of his representation seeking exemption from payment of electricity duty.
4. Learned Additional Advocate General submits that since the respondents have now issued the petitioner with a fresh notice to appear on 29<sup>th</sup> of this month, there is nothing for this Court to decide at this stage and let the respondents take a decision on the claim of the petitioner.
5. Having heard the contentions put forth on either side and on perusal of the record and also taking into consideration the fact that the matter is already seized for consideration before the respondents on 29<sup>th</sup> of September, 2020, this Court disposes of the present writ petition directing the respondent authorities to take a decision on the same in accordance with law after granting an opportunity of hearing to the

petitioner.

6. Meanwhile, till a decision is taken on the representation of the petitioner, the respondents are expected not to pursue with the RRC that has been issued on 13.08.2020. The State counsel is also expected to intimate the authorities not to execute the RRC till a decision is taken by the respondents on the representation that the petitioner has made.
7. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-**  
**P. Sam Koshy**  
**Judge**