

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 855 of 2014**

Ambuja Cements Limited **versus** Union Of India And Ors.

Order Sheet

06/05/2026	<p>Mr. Ashish Shrivastava, Senior Advocate with Mr. Rahul Ambast and Mr. Ashutosh Shrivastava, Advocate for the petitioner.</p> <p>Mr. Ramakant Mishra, Dy. Solicitor General with Mr. Rishabh Chandra Singh Deo, Central Govt. Counsel for Union of India/respondents.</p> <p>Learned counsel for the petitioner submits that petitioner has already filed fresh application for amendment and therefore he is not pressing application (IA No.2) which is also an application for amendment filed earlier .</p> <p>In view of submission of learned counsel for the petitioner, IA No.2 is dismissed as not pressed.</p> <p>Heard on IA No.3 which is an application for amendment in para-10 (relief clause) of writ petition.</p> <p>Learned counsel for the petitioner submits that petitioner has filed this writ petition seeking refund of the 'freight incentive</p>

scheme concession'. However, at the time of filing of writ petition, specific amount due on the date of filing of writ petition has not been mentioned in relief clause and therefore when case was listed for final hearing, it came to their knowledge and accordingly appropriate application is filed. He contended that interest has not been claimed in writ petition and, therefore, relief 10.4 is sought to be added by way of amendment

Learned counsel for the respondents vehemently opposes submission of learned counsel for the petitioner and submits that amount which is claimed by way of amendment is of Rs.20,62,69,606/- . Unless and until Court comes to conclusion and crystallizes the same, it cannot be permitted. The right to claim in the fact of case is still in dispute. The application for amendment is filed at a belated stage of proceeding i.e. after about 11 years of filing of writ petition and therefore application for amendment be rejected.

Heard learned counsel for the parties.

Perusal of the relief clause as mentioned in para-10 of writ petition would show that petitioner in para-10.2 has sought for relief to consider case of petitioner and expedite the refund against freight incentive scheme. Petitioner has already sought for relief of refund of freight incentive scheme. Specification of the amount which is sought for as refund is in the nature of clarification of the relief which the petitioner actually wants by this writ petition and therefore in the opinion of this Court, at this stage, it cannot be said that prayer for clarifying the amount in relief clause would in any manner change the nature of relief as sought for by way of amendment.

So far as the objection raised by learned counsel for the respondents with regard to relief sought for in para 10.4 claiming interest on the amount of refund against the freight incentive is concerned, it is a recurring claim by a party on amount stated to be

due to him and claimed from other party and therefore in the aforementioned facts of case, I am inclined to allow the application leaving open for the party respondents to argue on the claim of interest with regard to period from which can be awarded or not at the time of final hearing of this writ petition.

Accordingly, the application (IA No.3) is allowed. Petitioner is directed to carry out necessary amendment in the writ petition within a period of one week and also to file amended writ petition.

Respondents may file additional return if they so desire within a further period of three weeks thereafter.

List this case after four weeks.

Sd/-
(Parth Prateem Sahu)
Judge