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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 426 of 2019

Cyfuture India Pvt. Ltd. A Duly Registered Company Under The Indian Companies Act, 1956 And Having Its Office At Plot No. 197/198, Noida, Special Economic Zone (Nsez), Phase 2, On Dadri Road, Noida, U. P. Pin No. 302022 (Phase 2, Noida), Through Its Authorized Representative Mr. Gautam Sharma S/o Shri Ram Dular Sharma, Aged About 33 Years. R/o Ravi Nagar, Near Lotus Hospital Raja Talab, Raipur- 492001, P. S. Civil Lines, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Electronics And It, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - Chhattisgarh Infotech Promotion Society (Chips) Through Chief Executive Officer State Data Building Civil Lines, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3 - Atal Nagar Vikas Pradhikaran (Formerly Known As New Raipur Development Authority) Through Chief Executive Officer, Paryavas Bhawan, North Block, Capital Complex Atal Nagar Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

4 - Chhattisgarh State Power Distribution Company Limited Through Its Chief Engineer (Commercial), Chhattisgarh State Power Companies Campus, Danganiya, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

... Respondent(s)

For Petitioner

: Mr. Harshmander Rastogi, Advocate

For Respondent No.1

: Mr. Shubham Bajpai, Panel Lawyer

For Respondent No.2

: Mr. Rajkumar Gupta, Advocate

For Respondent No.3

: Mr. Anumeh Shrivastava, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

08.08.2025

- 1) This matter was listed on 28.07.2025, and time was sought by Mr. Rastogi to file a rejoinder, and the matter was posted for final disposal at the motion stage on 08.08.2025.
- 2) Today, Mr. Rastogi would again seek time to file a rejoinder. The prayer made by Mr. Rastogi is hereby rejected.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The petitioner has filed this petition seeking the following relief(s):-

“10.1. The Hon'ble Court may kindly be pleased to set-aside/quash the impugned demand letter vide No. 9297/R-19/PRJ/ANVP/2017, Atal Nagar, dated 01/12/2018 issued by Respondent Atal Nagar Vikas Pradhikaran.

10.2 The Hon'ble Court may kindly be pleased to set-aside/quash impugned demand letter vide No. 9601/R-19-PRJ/NRDA/2017, Atal Nagar, dated 27/12/2018 along with demand letter vide No. 577/R-19-PRJ/NRDA/2017, dated 25/01/2019 issued by Respondent Atal Nagar Vikar Pradhikaran.

10.3 The Hon'ble Court may kindly be pleased to set-aside/quash the impugned demand of security deposit for electricity at the rate of Rs. 5500 per kVA vide email dated 08/05/2018 by agent of Respondent No. 3.

10.4 The Hon'ble Court may kindly be pleased to issue appropriate writ, directing respondent No.3 to charge license fee against built- up space from the month of June 2018 instead of March 2018.

10.5 The Hon'ble Court may kindly be pleased to issue appropriate directions to respondent No.3 to charge the Petitioner for electricity consumed at the rate of Tariff applicable to units falling under Information Technology Industries.

10.6 The Hon'ble Court may kindly be pleased to award costs of this Petition in favor of the Petitioner.

10.7 The Hon'ble Court may kindly be pleased pass any other or further order which this Hon'ble Court may deem fit and proper and other reliefs as the nature and circumstances of the case may require in favour of the Petitioner.”

- 5) Brief facts in a nutshell are that the petitioner is a leading provider of Data Center, Cloud, BPO, Application Development, and Digital Media Marketing services. On invitation of the State of Chhattisgarh under its Electronics, IT & ITeS Investment Policy, 2014–19, the Petitioner proposed to invest ₹161 crores for establishing a Data Center/BPO unit in Naya Raipur. Its application was approved by the Empowered Committee/State Level Single Window Clearance Committee, and built-up space (Units 8C001, 8C002, 8C003, 8C006, 8C007, Floor 8, Tower-C, Commercial Complex, Sector-21, Naya Raipur) in an IT-notified area was allotted by Respondent No. 3 i.e. Atal Nagar Vikas Pradhikaran (formerly NRDA), on license at ₹2,74,655/- per month vide allotment letter dated 05/01/2018. The Petitioner was assured of various incentives, including the supply of electricity under the HV-9 (Information Technology Industries) tariff category at ₹4.50/unit without additional charges, and the allotment of 25 acres of land at a subsidized rate of ₹1,608/sq.m. It is pleaded that despite these assurances, the Respondents failed to provide timely possession of a fully functional built-up space and to arrange a permanent electricity connection of 2 MVA, as requested on 09/01/2018. The Petitioner repeatedly raised grievances (vide representations dated 20/02/2018, 02/04/2018, 18/04/2018, 05/05/2018, and others) regarding the non-availability of the electricity connection, service lift, AC piping, water supply, leased line, earthling, and the delay in land

allotment at the promised rate. Although Respondent No. 2 (CHiPS) acknowledged the Petitioner's entitlement to the IT tariff and recommended charging ₹4.50/kWh, Respondent No. 3 continued billing under the commercial category (Tariff Code 1.2.3 HV-), applicable to "Other Industrial and General Purpose Non-Industrial," at ₹10.30/unit. It is also pleaded that the Petitioner received an impugned demand of ₹97,92,822/- for June–September 2018, based on the consumption of 9,49,660 units at the commercial rate, instead of the promised IT rate. License fee was also wrongfully demanded for March–May 2018, despite the allotted premises being non-operational and basic facilities being incomplete. Repeated requests to correct the electricity tariff and waive wrongful license fees were ignored. Electricity supply was abruptly disconnected on 08/01/2019 without the mandatory 15 days' notice under Section 56 of the Electricity Act, 2003, and Chapter 10 of the Chhattisgarh State Electricity Supply Code, 2011, forcing the Petitioner to pay ₹40,00,000/- on 09/01/2019 to restore supply. It is also pleaded that the cost of the promised 25 acres of land was unilaterally increased from ₹3.15 crores (at subsidized ₹1,608/sq.m.) to ₹4.92 crores (at ₹2,413/sq.m.), contrary to the original offer. Emails from Respondent No. 2 confirm that the Petitioner's investment plan had included the subsidized land cost. Further, Respondent No. 3's agent wrongfully demanded a refundable security deposit for electricity at ₹5,500/kVA, whereas the Chhattisgarh State Electricity Supply Code (Second Amendment), 2018 prescribes only ₹1,350/kVA for such category. It is pleaded that the Respondents failed to honour the

commitments made at the time of the investment proposal, including the timely delivery of a fully functional built-up space, electricity at the subsidized IT tariff, the land at the agreed subsidized rate, and compliance with the statutory supply code provisions. These arbitrary and unlawful actions have caused severe financial loss to the Petitioner, leading to the filing of the present writ petition to challenge the impugned demand letters, disconnection of supply, wrongful license fee charges, illegal enhancement of land cost, and unlawful demand of an inflated security deposit.

- 6) Mr. Rastogi, learned counsel for the petitioner, would submit that the petitioner had set up its unit pursuant to requests made by Respondents No. 2 and 3, and all the requisite formalities were cleared by the State through the Single Window System. It is contended that the petitioner was provided a rented building, namely the Commercial Business District (CBD) building owned by NRDA. He further submitted that as per the Electronics, IT & ITeS Investment Policy, 2014-19, published by the State Government, the petitioner was promised relaxation and incentives, including the concessional electricity charges. He argued that under the said policy, the petitioner was entitled to the electricity at the rate of ₹4.50 per unit. It is also submitted that the respondents were bound to provide relaxation in payment of electricity bills in terms of the policy, but instead, NRDA issued demand letters contrary to the same. The petitioner repeatedly approached Respondents No. 2 and 3 seeking a separate electricity connection, but no action was taken. A letter dated 25/05/2018 was referred to, which

discussed facilitating power tariff to IT industry-based companies at ₹4.50/kWh, but no steps were taken by the authorities.

- 7) Mr. Rastogi relied upon the tariff schedule for the financial year 2018–19, part of the Electronics, IT & ITeS Investment Policy, 2014-19, wherein Clause 1.2.9 prescribes that the tariff applicable to the information technology industries would be ₹4.50 per kVAh with a minimum charge of ₹3,000 per month.
- 8) It has been argued that the respondents should not raise demands contrary to Clause 1.2.9. He further contended that the license fees for March, April, and May, 2018, were demanded although the possession was handed over in the month of June, 2018, rendering the demand baseless and illegal. He alleged that the respondents deviated from their promises, and their actions were mala fide, discriminatory, and arbitrary.
- 9) On the other hand, Mr. Shubham Bajpai, learned Panel Lawyer for the State, would oppose the submissions made by Mr. Rastogi.
- 10) Mr. Rajkumar Gupta, learned counsel for Respondent No. 2 (ChiPS), submitted that as a nodal agency, all facilities were provided to the petitioner in accordance with the policy of the State, 2014–19. He argued that it was for the petitioner to approach the concerned authorities for other facilities. It was further submitted that no demand notice was issued by Respondent No. 2.
- 11) Mr. Srivastava, learned counsel for Respondent No. 3, submitted that the said

respondent had facilitated building premises and other amenities as promised. It was stated that the electricity purchased by Respondent No. 3 for the building was payable under the applicable category, and the same cost was transferred to the petitioner. He further submitted that no additional demand was raised by Respondent No. 3 for electricity purchase. License fees were payable by the petitioner, and continuous letters were sent in that regard. The premises, according to Respondent No. 3, were allotted in March, 2018, and the delay part was attributable to the petitioner. It is further contended that the petitioner was aware that it had to pay electricity charges at the rate, which was being paid by NRDA to CSPDCL, as evident from the petitioner's own letter dated 25/05/2018. Hence, the petition deserves to be dismissed.

12) Mr. Raja Sharma, learned counsel for Respondent No. 4, argued that there was no agreement between the petitioner and Respondent No. 4. He submitted that no relief has been sought against Respondent No.4.

13) Heard learned counsel for the parties and perused the documents placed in the file.

14) From a perusal of documents, it is evident that the petitioner was aware of its liability to pay electricity bills supplied through NRDA for the commercial building allotted. This fact is evident from the letter dated 25/05/2018. The allotment letter dated 05/01/2018 issued by the Chief Executive Officer, NRDA, clearly shows that the building space was allotted on a license basis with Clause 6

specifying the liability to bear electricity and water consumption charges within the allotted premises. Thus, it is evident that from January, 2018, the petitioner was required to pay license fees and utility charges in accordance with the terms of the allotment. The contention of the petitioner that the possession was handed over in June, 2018, is contrary to the record, and such a contention is not acceptable.

15) With regard to the relaxation and incentives under the Electronics, IT & ITeS Investment Policy, 2014–19, the petitioner was required to approach the competent authority, including CSPDCL, to claim such benefits.

16) The petitioner continued to make representations to Respondents No. 2 and 3, but never approached CSPDCL (Respondent No. 4) for redressal of grievances relating to the electricity tariff.

17) The demand raised by Respondent No. 3 for electricity purchase and license fee is in accordance with the allotment letters and other documents, and no ground is made out to quash the same.

18) In view of the above discussion, no case is made out in favour of the petitioner. Accordingly, the writ petition fails and is hereby **dismissed**.

19) Interim relief, if any, granted earlier stands vacated.

Sd/-

(Rakesh Mohan Pandey)
Judge