

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 2253 of 2017

M/s Azure Power India Pvt. Ltd. **Versus** The Chief Electrical Inspector

22.08.2017	Shri Naman Nagrath, Senior Advocate with Shri Ankit Pandey, Shri Apoorv Mishra and Shri Ankit Chaturvedo, counsel for the petitioner. Shri UNS Deo, Government Advocate for the State. Heard the learned counsel for the petitioner and the State. The substance of the challenge is against the amendment brought to the Electricity Duty Act, 1949. As per the Chhattisgarh Electricity Amendment Act 2013, to the extent it imposes duty on Captive Generating Company and predecessor. We see that the petitioner has demonstrated his case for admission of this Writ Petition to examine the validity of the said provision, the Writ Petition is admitted. The petitioner will place appropriate paper-book incorporating the full version of the amending act and the relevant provisions of the Principal Act. Shri UNS Deo, Government Advocate takes notice on behalf of the respondents. Heard on IA- 1 of 2017 for stay. Reference has been made to the decision of the Apex Court in MP Cement Manufacturers' Association Vs State of MP and others (2004) 2 SCC 249.
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There will be an interim order that no amount shall be recovered from the petitioner on the basis of the statutory amendments impugned in the Writ Petition, however, that the respondents will be entitled to raise demands without enforcing them until the final disposal of this Writ Petition.

Post on **10th October**, 2017.

Sd/-

(Thottathil B. Radhakrishnan)

CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)

JUDGE