



2026:CGHC:30775



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2921 of 2024

- M/s Agrawal Structure Mills Private Limited (Ferro Alloys Division) Through Director Anil Kumar Agrawal S/o Madanlal Agrawal, Aged About 56 Years, Address- Industrial Area, Silpahri, District Bilaspur, C.G. Corporate Office- Govind Kunj Behind Krishna Talkies, Bhimsen Marg, Samta Colony, Raipur, C.G.- 492001

... **Petitioner****versus**

1. State Of Chhattisgarh Through Secretary, Department Of Commerce And Industries, Department Of Commerce And Industry, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh.
2. Chhattisgarh State Industrial Development Corporation Ltd (Csidcl) Through Executive Director, First Floor, Udyog Bhawan, Ring Road No. 01, Telibandha, Raipur, C.G.
3. District Trade And Industrial Centre Through Chief General Manager, New Composite, First Floor, Collectorate Premises, Bilaspur, C.G.- 495001.

... **Respondents**

For Petitioner	: Mr. Anand Shukla, Advocate.
For State/Respondents No.1 & 3	: Mr. Anand Dadariya, Deputy A.G.
For Respondent No.2	: Mr. Ayaz Naved, Advocate.

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

20/07/2026

1. Heard.
2. This petition has been preferred by the petitioner under Article 226 of the Constitution of India, seeking following reliefs:-

“10.1 That this Hon'ble court kindly be pleased to direct the respondent authorities



to reimburse or reconcile the excess amount, i.e., Rs.4,97,965/- paid during land allotment process, in the interest of justice.

OR

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to adjust the excess amount towards payment of future lease rent, in the interest of justice.

10.3 That, Cost of the petition may also be awarded to the petitioner.

10.4 That, this Hon'ble Court may kindly be pleased to call for the entire record pertaining to the case of the petitioner, in the interest of justice.

10.5 Any other relief or relief(s) which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted."

3. Learned counsel for the petitioner submits that petitioner is an auction purchaser, who purchased the sick industry from the Bank in auction. As per the previous Policy dated 08.09.2016, the case of the petitioner is required to be considered and the petitioner should be exempted from the payable amount in respect of various heads, which is stated in Clause 10.2(3) of the aforesaid policy. However, without considering this aspect that the earlier industry was a sick industry and petitioner has stepped into the earlier industry, as such benefit of exemption is required to be given to the petitioner company also. Learned counsel for the petitioner submits that the provisions, in which, the sick industry has to be considered as per earlier policy has not been considered and the petitioner industry has to be considered as a fresh institution and as such the exemption has not been granted to the petitioner. He further submits that since petitioner has taken over the earlier sick industry as such the benefit as enumerated under Clause 10.2(3) of the



policy would be applicable and the petitioner is required to be given benefit of the same, which he has not been given. Learned counsel for the petitioner submits that the matter requires a fresh adjudication on this aspect also, as the benefit of sick industry, which is required to be given to the petitioner, who is subsequent purchaser, has not been given to him and the same can be reconsidered by the authorities concerned.

4. Learned counsel appearing for the respondent No.2/CSIDCL submits that entire aspect of the matter has already been considered and there is no requirement of fresh reconsideration, which has already been mentioned in Annexure-P/1. It is further submitted by the counsel that according to new policy, there is no reference of exemption from penalty and as such it is not reflected in the Annexure-P/13.
5. Learned counsel appearing for the State/respondents No.1 & 3 submits that State is a formal party.
6. I have heard learned counsel for the parties and perused the material available on record.
7. From perusal of the record, it appears that the petitioner is the auction purchaser of the earlier industry, which was declared as sick industry. Since the petitioner has taken over the sick industry, as such according to the petitioner he is not liable to pay penalty as remanded back the CSIDCL. This fact is required to be adjudicated, however, considering the submission advanced by the respective parties and considering the order impugned, which has been passed against the petitioner, it seems that the consideration of the sick industry has not been taken into consideration. As per Clause 10.2(3) of the aforesaid policy, the petitioner is required to be considered for exemption from paying the penalty.
8. Considering the aforesaid aspect of the matter, specifically considering this fact that the issue in respect of sick industry and the exemption, which should



be applicable according to Clause 10.2(3) of the aforesaid policy, the instant writ petition is disposed of. The matter is remanded back to the respondent No.2/CSIDCL to reconsider the same and pass an appropriate order in accordance with law.

9. It is made clear that this Court is remanding the matter back only for this aspect that the petitioner is the auction purchaser of the sick industry and according Clause 10.2(3) of the aforesaid policy certain exemptions are required to be given to the petitioner, which from the perusal of the order dated 20.03.2023 is not appearing in the same, as such authorities may pass a fresh order after due consideration of this aspect also.
10. With the aforesaid observation and direction, this writ petition stands disposed of.
11. Interlocutory application(s), pending if any, also stands disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge