



2026:CGHC:30775



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3358 of 2024

- M/s Agrawal Structure Mills Private Limited Unit- II Through Director, Anil Kumar S/o Madanlal Agrawal Aged About 56 Years, Address- Khasra No. 18/1 And 675, Industrial Area, Silpahri, District- Bilsapur (C.G.). Corporate-Office- Govind Kunj Behind Krishna Takies, Bhimsen Marg, Samta, Colony, Raipur (C.G.).- 492001

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

- State Of Chhattisgarh Through- Secretary, Department Of Commerce And Industries, Department Of Commerce And Industry, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur (C.G.).
- Chhattisgarh State Industrial Development Corporation Ltd (Csidcl) Through- Executive Director, First Floor, Udyog Bhawan, Ring Road No. 1, Telibandha, Raipur (C.G.).
- District Trade And Industrial Center 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

- Heard.
- 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 may kindly be pleased to direct the respondent authorities to reimburse or reconcile the excess



amount, i.e., Rs.98,28,577/- paid during land allotment process, in the interest of justice.

10.2 *That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to adjust the excess amount paid 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. Learned counsel for the petitioner further submits that petitioner is a Small Scale Industry, whereas the petition industry has been considered to be as Medium Scale Industry and the benefit, which the petitioner industry is required to be given being small scale industry has not been given to the petitioner and for that petitioner has already filed an appropriate representation/application before the concerned authorities, is pending consideration before them.

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 record. Learned counsel further submitted that if according to the petitioner, issue in respect of considering the petitioner industry as Small Scale Industry has not been considered till date, then it will be considered in accordance with law.
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. However, petitioner is at liberty to file fresh representation along with relevant documents showing the petitioner industry as a Small Scale Industry in order to get benefit of the same. Further, petitioner is at liberty to raise all the grievances including the issue that the petitioner is an auction purchaser of the sick industry and benefit of the sick industry is required to be given to the petitioner.
9. The matter is remanded back to the respondent No.2/CSIDCL to reconsider the same and pass an appropriate order in accordance with law.
10. 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 impugned is not appearing in the same, as such authorities may pass a fresh order after due consideration of this aspect also.
11. With the aforesaid observation and direction, this writ petition stands disposed of.
12. Interlocutory application(s), pending if any, also stands disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge