



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 6590 of 2025

M/S Tethys Chem Private Limited , **Versus** State of Chhattisgarh

Order on Board

17/12/2025	Mr. Prafulla N Bharat, Sr. Advocate assisted by Mr. Akash Pandey, Advocate for the petitioner. Mr. Ranbir Singh Marhas, Additional Advocate General for respondent No.1-State. Ms. Anmol Sharma, Advocate for respondent No.2. Mr. Amrito Das, Advocate for respondent No.3 and 4. Heard. Issue notice to respondents. Learned counsel appearing on behalf of respective respondents accept notice, hence, process fee is not required to be paid for issuance of notice to these respondents. They pray for and are granted three weeks time to file reply. On petitioner's depositing process fee within a week,

notice be issued to respondent No.5, making it returnable in three weeks.

Also heard on I.A. No.1/2025, an application for grant of interim relief/stay.

Learned Senior Counsel for petitioner submits that in the year 2019 petitioner took over existing industry in the name and style of 'M/s SS Udyog', which was engaged in production of naphthalene balls, light furnace oil, heavy furnace oil (Solven Naphtha), super creosote fuel (coal tar), black paint organic chemicals, with products and production capacity as consented by the competent authority. After taking over of M/s SS Udyog, the competent authority had renewed the consent for the period from 18.12.2024 to 17.6.2029 for the products as also production capacity as mentioned in Annexure P-7. However, respondent No.4 vide impugned letter dated 1.12.2025, Annexure P-1, amended the production capacity from 36000 metric tonne per year to 2300 metric tonne per year for the products "naphthalene balls, light furnace oil, heavy furnace oil (Solven Naphtha), super creosote fuel (coal tar), black paint organic chemicals" and also changed name of one of the products, without issuing any notice in this regard or

providing opportunity of hearing to petitioner. He contended that one show-cause notice was issued to petitioner by the Regional Office of respondent No.3 to which petitioner submitted reply. Respondent No.4 has issued the impugned letter at the dictates of Head Office of respondent No.3. When once consent is granted to petitioner vide renewal of consent dated 23.8.2024, then reduction in capacity and change in name of product is not permissible, more so when the letter, Annexure P-1, is issued without following due process of law.

Learned counsel appearing on behalf of respondent Nos.3 and 4 opposing submissions of learned Senior Counsel for petitioner, would submit that according to his instruction, renewal of consent dated 23.8.2024 was not in accordance with law and therefore, disciplinary action has been initiated against concerned officer who was instrumental in issuing letter dated 23.8.2024. He next contended that as letter dated 23.8.2024 was issued without following due process of law, therefore, necessity has arisen to issue letter dated 1.12.2025. According to renewal of consent dated 12.1.2017 the production capacity of M/s SS Udyog was only 2300 metric ton per year and

therefore, there cannot be renewal of consent for production capacity of 36000 metric ton per year.

In view of submission made by learned counsel for respective parties, when a question is put to learned counsel for respondent No.3 and 4 as to such consideration in the letter dated 1.12.2025, Annexure P-1, he submits that though it is not specifically worded but reason, according to his instruction, for reduction of production capacity is that letter dated 23.8.2024 was issued without following process of law. He also submits that petitioner is having efficacious alternate remedy of filing appropriate proceeding under the National Green Tribunal Act, 2010 before the National Green Tribunal.

At this stage, learned Senior Counsel for petitioner submits that as the letter impugned has been issued without jurisdiction, therefore, availability of alternate remedy will not be a bar in entertaining this writ petition.

In view of above submissions of learned counsel for respective parties and considering that petitioner in its favour is having renewal of consent dated 23.8.2024 with the name of products and production capacity as mentioned therein, purely as an interim measure, it is directed that

effect and operation of letter dated 1.12.2025, Annexure P-1, shall remain stayed till next date of hearing.

List this petition in the week commencing 19.1.2025.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-