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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 197 of 2026**

M/s M.P. Tar Products Through Its Proprietor, Mr. Pankaj Kothari S/o Shri Gyanchand Kothari, Aged About 51 Years, Address - S.M. Padmanabhpur, Durg, District - Durg (C.G.) **... Petitioner**

versus

1 - State Of Chhattisgarh Through Its Secretary, Ministry Of Commerce And Industry, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District - Raipur (C.G.)

2 - Union Of India Through Its Secretary, Ministry Of Environment, Forest And Climate Change, New Delhi

3 - Chhattisgarh Environment Conservation Board Through Chairman, Nawa Raipur, Atal Nagar, District - Raipur (C.G.)

4 - Regional Officer Chhattisgarh Environment Conservation Board, Office At - 5/32 Bungalow, Bhilai, District - Durg (C.G.)

5 - State Level Environment Impact Assessment Authority Chhattisgarh (Seiaa), Atal Nagar, Nawa Raipur, District Raipur (C.G.) **Respondents**

Order sheet

23/01/2026	Mr. Prafulla N Bharat, Sr. Adv. assisted by Mr. Akash Pandey, Adv. for the petitioner. Mr. Sabyasachi Choubey, Govt. Adv. for the State/ respondent No. 1.

	Mr. Ramakant Mishra, DSGI, for the Union of India/ respondent No. 2. Mr. Amrito Das, counsel for respondents No. 3 and 4. Heard. Issue notice to respondents. Learned counsel appearing on behalf of respondents No. 1 to 4 accepts notice on behalf of their respective respondents, hence issuance of notice to them is dispensed with. Process fee be paid for respondent No. 5 only within a week. Also heard on I.A. No. 1/2025, application for grant of interim relief/stay. Learned Sr. counsel appearing for the petitioner would submit that, the petitioner is proprietorship firm named as Ms. M.P. Tar Products situated at Plot No. 69 and 70 at Light Industrial area Bhilai, District Durg. The petitioner used to manufacture Anti Corrosive Tapes, Pipe Coating Enamel, Outer Wrap (F.G.T.), Primers, Water Proofing Membranes, Bitumen Tapes, Anti Corrosive Paints, Adhesives & Sealants and other C.T./Bitumen (By products) with the consent of respondents No. 3 and 4. Earlier,
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	business of the petitioner was going well, but in the year 2018, no demand of Coal Tar Tape, Enamel, Outer Wrap (F.G.T.), Paint and Primer was being raised from the market, therefore, the petitioner shut down Tape unit. Instead thereof, it increased production of other Coal Tar products (Coal Tar pitch), therefore, increasing production of Coal Tar Pitch from 1500 Metric Tone to 20,000 Metric Tone per year will not amount to expansion of factory, as aforesaid production was made by the petitioner without any change of machinery, hence it does not fall in the category of expansion of factory. He further submits that, the production of Coal Tar Pitch is being done by the petitioner in the capacity of 20,000 Metric Tone per year since 2018, thereafter inspection of petitioner's factory was carried out by the respondent No. 4 in which, vide Annexure P-11, compliance report of the factory of the petitioner under Water and Air Pollution Board has been reported to be positive, as also they have renewed consent to operate till 2024 to 2028, but abruptly, the respondent No. 3 issued impugned letter (Annexure P-1) dated 1-12-2025 whereby operational capacity of the petitioner's plant has been reduced from 20,000 Metric Tone to 1500 Metric Tone per
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year under the product name of other CT/bitumen. Hence, learned Sr. Counsel submits that interim protection may be granted to the petitioner.

Learned counsel for respondents No. 3 and 4, who are the main contesting parties, prays for 3 weeks time to file reply with affidavit to the application for grant of interim relief and main petition.

Time, as prayed, is granted.

Having considered the aforesaid contentions of learned counsel for the petitioner and the documents annexed with the petition, which also contained Inspection report carried out by the respondent No. 4 and further considering the fact that, renewal of consent has also been issued by respondent No. 4 in favour of the petitioner till 2028, 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 the case after service report is received.

Certified copy as per rules.

Pathak

Sd/-
(Naresh Kumar Chandravanshi)
JUDGE