

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 5172/2007

STATE OF CHATTISGARH & ORS.

Appellant(s)

VERSUS

A.C.C. LTD. & ORS. ETC.

Respondent(s)

FOR [PERMISSION TO FILE ANNEXURES] ON IA 23/2011 FOR [I.A FOR C/D
IN FILING AFFIDAVIT] ON IA 18-21/2010 FOR GRANT OF INTERIM RELIEF
ON IA 17/2014 FOR [PERMISSION TO FILE ANNEXURES] ON IA 26/2014)

C.A. No. 5291/2007

SLP (C) No. 17748/2007

SLP (C) No. 18740/2007

SLP (C) NO. 18794/2007

C.A. No. 5180/2007

C.A. No. 5177/2007

SLP (C) NO. 20310/2007

SLP (C) No. 21532/2007

SLP (C) No. 22203/2007

SLP (C) No. 22433-22438/2007

SLP (C) No. 23442/2007

SLP (C) No. 25548/2007

SLP (C) NO. 23317/2007

SLP (C) No. 4994/2008

SLP (C) NO. 3094/2008

SLP (C) No. 1797/2008

SLP (C) NO. 21948/2008

SLP (C) NO. 27183/2008

C.A. No. 4590/2009

C.A. No. 1531/2011

Date : 08-03-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE DEEPAK GUPTA

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Mr. Sakesh Kumar, Adv.

Ms. Charu Singhal, Adv.

Mr. Karunakar Mahalik, Adv.

Ms. K. V. Bharathi Upadhyaya, AOR

UPON hearing the counsel the Court made the following

O R D E R

During the course of arguments, it transpired that the submissions made by Mr. C.S. Vaidyanathan, learned senior counsel appearing on behalf of the State of Chhattisgarh are in contradiction to the submissions made on affidavit in the High Court and also perhaps in the petition for special leave to appeal filed in this Court.

In view of the apparent contradiction, we would like an

affidavit to be filed by the State of Chhattisgarh by a responsible officer clarifying its stand with regard to levy of Energy Development Cess on independent power producers as well as captive power producers.

There also seems to be some dispute whether any independent power producers were in existence prior to the impugned judgment and order passed by the High Court. This should also be clarified and categorically stated in the affidavit. According to learned counsel for the respondents, there was at least one independent power producer in existence.

A specific affidavit should be filed by the State of Chhattisgarh indicating whether prior to the impugned judgment and order any independent power producer existed or not. In any case, after the delivery of the impugned judgment and order, there is no dispute that there are in existence independent power producers. The affidavit should state whether any Energy Development Cess is levied on these independent power producers before and/or after the delivery of impugned judgment and order by the High Court.

List the matter on 13.03.2018 (Tuesday) as part-heard matters.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER