

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 316 OF 2022
[@ SPECIAL LEAVE PETITION (C) NO. 24414 OF 2019]

ACC LIMITED

Appellant (s)

VERSUS

STATE OF CHHATTISGARH & ORS.

Respondent(s)

O R D E R

Leave granted.

The challenge in the present appeal is to an order passed by the High Court of Chhattisgarh on 02.08.2019 whereby the legality of Rule 71-A and Rule 73(1) of the Chhattisgarh Irrigation Rules, 1974 was challenged. The High Court has upheld the legality of the Rules and also maintained the demand raised against the appellant by the State. We do not find any error in the reasoning of the High Court to uphold the legality of the Rules.

During the course of hearing, the only surviving dispute was regarding the computation of the water consumption from April, 2010 to March, 2020 and the amount payable thereon.

This Court passed the following order on 22.11.2021 :-

"The learned counsel for the petitioner has produced a chart of water consumption from the month of April, 2010. On the

other hand, the State has also filed additional documents along with letter of the petitioner dated 09.03.2021 giving the water consumption from the year 2010-2011 to 2019-2020.

The State is directed to recompute the amount of water consumption from April, 2010 to March, 2020 within two weeks by associating the representatives of the petitioner. On the basis of the water consumption so assessed, the amount of water charges be computed and be communicated to the petitioner.

The question of extent of penalty will be decided on the next date of hearing.

List on 15.12.2021."

In pursuance of the above order, the State has re-computed the amount due from the appellant. In respect of the cement plant, the due amount was assessed to be Rs. 3,60,53,073/-, out of which Rs.69,81,613/- is outstanding. Similarly, in respect of Captive Power Plant, a sum of Rs. 1,97,74,322/- was assessed to be due, out of which Rs. 3,71,756/- is outstanding.

Mr. K. V. Vishwanathan, learned senior counsel appearing for the appellant, states that the appellant accepts the computation now made by the State and seeks two months' time to make the payment of such amount.

It is also argued that in the facts and

circumstances of the case, penalty should not be imposed as there was a dispute regarding computation of the water consumption charges.

On the other hand, Mr. Sumeer Sodhi, learned counsel appearing for the State, has argued that penalty amount is a natural consequence of not paying the amount of water consumption charges.

We have heard the learned counsel for the parties and find that in the peculiar facts and circumstances of the case where there was a dispute regarding water consumption by the appellant for its cement plant and Captive Power Plant, we deem it appropriate not to impose any penalty and direct the appellant to pay the outstanding amount of water consumption charges within a period of two months. Ordered accordingly.

With the said directions, the appeal is disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

New Delhi;
JANUARY 11, 2022

ITEM NO.12 Court 11 (Video Conferencing) SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24414/2019

(Arising out of impugned final judgment and order dated 02-08-2019 in WPC No. 774/2015 passed by the High Court Of Chhatisgarh At Bilaspur)

ACC LIMITED

Petitioner(s)

VERSUS

STATE OF CHHATTISGARH & ORS.

Respondent(s)

(IA No. 155839/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT) (IA No. 155837/2019 - EXEMPTION FROM FILING O.T.)

Date : 11-01-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
 HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. K. V. Vishwanathan, Sr. Adv.
 Mr. Balaji Srinivasan, AOR
 Mr. Alok Kumar, Adv.
 Mr. Manan Gambhir, Adv.
 Ms. Garima Soni, Adv.
 Mr. Nikhil Malhotra, Adv.

For Respondent(s) Mr. Sumeer Sodhi, AOR
 Ms. Shreya Nair, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)