

W.P.(C) No. 37/2016
National Hydroelectric Power Corpn. Ltd. vs. State of Sikkim & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

06. 21.04.17 Present: Mr. A.K. Upadhyaya, Sr. Advocate with Ms. Aruna Chettri, Advocate for the Petitioner.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. Santosh Kr. Chettri, Ms. Pollin Rai, Asstt. Govt. Advocates and Ms. Rita Sharma, Advocate for the State-Respondents.

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IA No. 04/2017

This is an application filed by respondent No. 3, to place on record the notification No. GOS/FEWMD/PR.SECY-cum-PCCF/10 dated 15.04.2017, whereby the Sikkim Forest Levy of Natural Water Tax (Amendment) Rules, 2017, was made.

It is ordered.

The issue is as to whether the petitioner, Hydroelectric Project, is exigible to natural water tax under the provisions of Sikkim Forest, Water Courses and Road Reserve (Prevention and Protection) Act, 1988 read with Sikkim Forest Levy of Natural Water Tax Rules, 2015. By subsequent amendment Rules, namely, the Sikkim Forest Levy of Natural Water Tax (Amendment) Rules, 2017, which was notified on 15.04.2017, all the Hydroelectric Projects are exempted from the aforestated provisions in respect of payment of natural water tax.

List it on 26.04.2017 for formal disposal.

Chief Justice
21.04.2017

jk/avi **Index : Yes / No**
 Internet : Yes / No