



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7266 of 2016

CNR No. ODHC010015122016

M/s. Jindal Steel and Power Petitioners
Limited and another

Represented by Adv.–
Mr. Sudarshan Nanda, Advocate
-Versus-

State of Odisha and another Opposite Parties

Represented by Adv._
Mr. Debaraj Mohanty, AGA

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

21.08.2026

(Hybrid mode)

Order No.

12.

- 1.** The petitioner has approached this Court by way of filing this writ petition invoking provisions under Articles 226 and 227 of the Constitution of India seeking to assail the Resolution No.11011/WR dated 18.05.2015 passed by the Department of Water Resources, Govt. of Odisha whereby Water Conservation Fund was set up by way of a one time contribution @ Rs.2.50 crores per cusec of water allocated from Irrigation to Industries. It has also challenged the Resolution dated 18.05.2015, which was approved by the State Govt. vide Resolution No.24011 dated 03.11.2015 as beyond the legislative competence of the State



Government and *ultra vires* the Constitution of India. The petitioner questions the legality of repeated demand of one time Water Conservation Fund made vide Demand Notice vide Letter No.3784/WE dated 22.07.2015. Demand Notice vide Letter No.411 dated 19.01.2016, Demand Notice vide Letter No.702 dated 04.02.2016 and Demand Notice vide Letter No.2032 dated 11.04.2016 calling upon the petitioner no.1 to deposit Rs.237.90 crore @ Rs.2.50 crore per cusec of water based on allocation quantity of 95.16 cusec (subsequently reduced to 66.16 cusec) from Irrigation to the petitioner, as one time contribution towards the Water Conservation Fund.

1.1. The petitioner, therefore, prays for grant of the following reliefs-:

"In the circumstances stated above, it is humbly prayed that this Hon'ble Court may graciously be pleased to issue a rule NISI in the nature of Writ Mandamus and/or any other appropriate Writ/Writs calling upon the Opposite Parties to show cause as to why the:

- (a) Resolution No.11011 / WR dated 18.05.2015 and Resolution No.24011 dated 03.11.2015 (Annexure-1 Series) issued by the Department of Water Resources, Govt. of Odisha, shall not be declared as unconstitutional and contrary to the provision of the Orissa Irrigation Act, 1959 and the Rules framed thereunder*
- (b) Demand Notice vide Letter no.3784WE Dtd.22.07.2015, Demand Notice vide Letter no.411 dated 19.01.2016, Demand Notice vide Letter no.702 dated 04.02.2016 and Demand Notice vide Letter no.2032 dated 11.04.2016*



(Annexure-2 Series) issued by the Opposite Party No. 2 thereby calling upon the petitioner No.1 to deposit water conservation fund amounting to Rs.237.90 crore @ Rs.2.50 crore per cusec of water based on allocation quantity of 95.16 cusec (re-allocated quantity of 66.16 cusec), shall not be quashed;

(c) Further the Opp. Party No.1 be directed to rephase the revised quantity of water of 66.16 cusecs for the drawal of water in phased manner for the balance period.

And if the Opposite Parties fail to show cause or show insufficient / false cause make the rule NISI absolute;

And allow this Writ Petition with cost.

And, pass any such other order/order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;

And for this act of kindness the petitioner shall remain duty bound and shall ever pray."

- 2.** Learned counsel appearing for the petitioner having placed reliance upon the decisions of the co-ordinate Bench of this Court rendered in *M/s. Bhushan Power and Steel Ltd. and another Vs. State of Orissa and others* (W.P.(C) No.6227 of 2016), disposed of on 25th March, 2021 and *M/s. Vedanta Limited, Kalahandi Vs. State of Odisha and others* (W.P.(C) No.15071 of 2017), disposed of on 20th April, 2023, contended that the issue raised in this writ petition is squarely covered by the afore-noted decisions. He, therefore, submitted that the instant writ petition may be disposed of in terms of the aforesaid decisions.



- 3.** At this stage, learned Additional Government Advocate upon perusal of the said decisions, copies of which have already been enclosed as Annexures-A and B with the Interlocutory Application, i.e., I.A. No.8198 of 2026, submitted that the issue raised in the instant writ petition are similar to that raised in aforesaid cited decisions and the present case is governed by the decisions rendered by this Court in aforementioned cases. Therefore, the instant writ petition may be disposed of in terms of the said decisions.
- 4.** Heard Mr. Sudarsan Nanda, learned counsel appearing for the petitioner and Mr. Debaraj Mohanty, learned Additional Government Advocate appearing for the State.
- 5.** Considering the submissions made by the learned counsel for the parties, the present writ petition is disposed of in terms of the decisions of this Court in *M/s. Bhushan Power and Steel Ltd. (supra)* and *M/s. Vedanta Limited, Kalahandi (supra)*.
- 6.** As a result of disposal of the writ petition, all pending Interlocutory Application (s), shall stand disposed of.

(Manash Ranjan Pathak)
Judge

(M.S. Raman)
Judge