

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

**BEFORE**  
**MR. JUSTICE SATISH K. AGNIHOTRI, CJ. &**  
**MRS. JUSTICE MEENAKSHI MADAN RAI, J.**

**07. 26.04.17** Present: Mr. A.K. Upadhyaya, Sr. Advocate with Ms. Hemlata Sharma, 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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Feeling aggrieved by the notification under 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, whereunder the petitioner, a Hydroelectric Project, was made exigible to natural water tax, the petitioner has come up with this petition challenging the legality and validity of the provisions of the Act as well as notification issued therein.

During currency of the petition, the State Government has framed the Sikkim Forest Levy of Natural Water Tax (Amendment) Rules, 2017, which was notified on 15.04.2017, exempting all the Hydroelectric Projects from the purview of imposition of natural water tax and as such no grievance survive as on date.

Thus, the petition has become academic and infructuous, accordingly, dismissed as having become infructuous..

Judge  
26.04.2017

Chief Justice  
26.04.2017

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