

Court No. - 21

Case :- WRIT - C No. - 39106 of 2023

Petitioner :- Jaypee Infratech Limited

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Jatin Kumar Mishra,Kali Azad

Counsel for Respondent :- A.S.G.I.,Avijit Saxena,Hari Nath Tripathi,Jai Prakash Rai

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. Heard Sri Anurag Khanna, learned senior counsel assisted by Sri Kali Azad for the petitioner and Sri Alok Mishra holding brief of Dr. H.N. Tripathi for respondents no.2 and 3.
2. The petitioner has called in question an order dated 15.5.2023 passed by U.P. Pollution Control Board imposing environment penalty of Rs.5,00,000/- on the petitioner Company.
3. The submission of learned senior counsel is that in pursuance of show cause notice dated 9.02.2023, the petitioner Company submitted its reply dated 12.05.2023 (at page 138). However, without considering the same, the impugned order has been passed.
4. Learned counsel for the U.P. Pollution Control Board states that notice was issued by Noida office whereas the reply was submitted by the petitioner Company at Lucknow office and, therefore, it could not be considered. He states that the respondents will re-visit the matter taking into consideration the reply dated 12.05.2023.
5. Accordingly, the petition is disposed of with direction to respondents no.2 and 3 to re-visit the matter taking into consideration the reply dated 12.05.2023 within a period of four weeks and until the decision is taken, no coercive steps shall be taken in pursuance of the impugned order.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 11.12.2023

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