



CNR: KAHC010543702025

NC: 2026:KHC:50989-DB  
WP No. 102056 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18<sup>TH</sup> DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 102056 OF 2025 (GM-POL)

**BETWEEN:**

1. M/S SANJAY CHEMICALS  
R/O: PLOT NO.106  
HONAGA INDUSTRIAL AREA  
BELAGAVI - 591 113  
REPRESENTED BY ITS PARTNER  
SRI SANJAY  
S/O CHANDRAKANT KALLOLKAR  
AGE: 56 YEARS  
OCC: BUSINESS  
R/O: #1613, ANSURKAR GALLI  
BELAGAVI - 590 001

...PETITIONER

(BY SRI CHETANA S. BIRAJ., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY SECRETARY  
M.S. BUILDING  
BANGALORE - 5
2. KARNATAKA STATE POLLUTION CONTROL BOARD  
REPRESENTED BY MEMBER SECRETARY  
PARISARA BHAVAN NO.49



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5<sup>TH</sup> FLOOR, CHRUCH STREET  
BANGALORE - 560 001

3. SENIOR ENVIRONMENTAL OFFICER  
ZONAL OFFICE, KSPCB, BELAGAVI  
#1, MAIN ROAD, AUTO NAGAR  
KANABARGI INDUSTRIAL AREA  
BELAGAVI - 590 015

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 &)  
SRI A. MAHESH CHOWDHARY, ADVOCATE FOR R-2 & R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER AT ANNEXURE-A BEARING NO.PCB/950/NOB/2024-25/228 DATED 04/02/2025 PASSED BY RESPONDENT NO.2 & ETC.

THIS PETITION, COMING ON FOR FURTHER PROCEEDINGS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE  
and  
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

**ORAL ORDER**

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition impugning an order dated 04.02.2025 declining the petitioner's request for extension of consent for operations under the Water (Prevention and Control of Pollution) Act, 1974 [**Water Act**].



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2. The petitioner states that it commenced an industry which falls under the "small-Red" category with an investment of less than ₹1 Crore in the year 1998. It obtained the Consent for Establishment (CFE) and Consent for Operation (CFO) for manufacture of Glycerin Monostearate prior to commencing the manufacturing activities. Subsequently in the year 1999, the petitioner obtained the CFO for manufacturing two new products, Calcium Propionate and Sodium Propionate, and also for increasing the capacity of Glycerin Monostearate. Thereafter, in the year 2001, the petitioner commenced manufacturing Choline Salt after obtaining CFE on 25.01.2001. Thereafter, on 30.11.2005, the petitioner was granted the combined CFO for manufacturing Glycerin Monostearate, Calcium Propionate, Sodium Propionate and Choline Salt. The said CFO was valid till the year 2022. Accordingly, the petitioner applied for renewal on 14.06.2022. However, the petitioner was informed that the application is required to be made online. Therefore, the petitioner filed an online application on 11.01.2023.

3. Pursuant to the said application, the officials of the KSPCB inspected the petitioner's unit on 24.01.2023 and sought further



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particulars which were furnished by the petitioner. The petitioner claims that thereafter the KSPCB issued a memorandum to the Environment Officer, Belgavi, directing him to verify the applicability of the Environmental Impact Assessment [EIA] Notification, 2006, and to ascertain whether the Environment Clearance was required in respect of the petitioner's industry.

4. Pursuant to the said memorandum, the Senior Environmental Officer, Zonal Office, Belgavi, respondent No.3, inspected the petitioner's unit on 03.04.2024 and submitted a report stating that the industry did not fall under the "dyes and dye intermediates", and therefore, Environmental Clearance was not required as per the EIA Notification, 2006.

5. During the course of processing the petitioner's application, KSPCB also called upon the petitioner to submit year wise production details of all its products along with the supporting GST or any other tax documents for the period from 30.11.1996 till the date of processing the CFO application. The petitioner claims that it complied with the said request and submitted the particulars as



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requested. However, the petitioner's application for renewal of CFO was rejected.

6. The application for renewal of CFO was rejected for various reasons, including that the petitioner had not obtained an Environmental Clearance from the competent authority; had failed to submit the requisite production details periodically; and, that its production had exceeded the capacity for which the consent had been granted. It is the petitioner's case that the Environment Clearance is not required, since the industry was established in the year 1998, which was prior to the issuance of the relevant notifications and was exempt from the said requirement.

7. The petitioner also states that the requisite details would be periodically furnished to the KSPCB as required, and that earlier omission to furnish them ought not to be a ground to withhold the renewal of CFO. As regards the alleged excess production the petitioner submits that there was no increase in its production capacity. The goods manufactured during the earlier years, which were in stock were dispatched in the subsequent year, thereby



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giving an impression that the petitioner had exceeded the consented production capacity.

8. In view of the aforesaid submissions, the learned counsel appearing for KSPCB, fairly states, that if an affidavit is furnished by the petitioner affirming that the petitioner has not exceeded its production capacity for which consent was granted, and an undertaking that he would not do so without an express consent is submitted, the relief as prayed for may be granted.

9. In view of the above, the impugned order dated 04.02.2025, declining the petitioner's application for renewal of the CFO is set aside. The petitioner is permitted to submit a fresh application for renewal of the CFO within two weeks from date accompanied by an affidavit affirming that it has not exceeded the production capacity for which the consolidated CFO was earlier granted, and an undertaking that it shall not exceed the said capacity without obtaining prior consent from KSPCB.

10. Upon receipt of such application and affidavit, KSPCB shall consider the application, without insisting upon environmental



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clearances, and pass appropriate orders in accordance with law within four weeks thereafter.

11. It is clarified that this order shall not preclude KSPCB from initiating appropriate proceedings against the petitioner, in accordance with law if it is found that the petitioner has been non-compliant with any statutory provisions, rules or conditions of the CFO.

12. The petitioner's operations shall not be disturbed till the application is decided. However, if the petitioner does not make a fresh application within a period of two weeks from date, the said protection shall no longer be operative.

13. The writ petition is disposed of in the aforesaid terms.

**Sd/-  
(VIBHU BAKHRU)  
CHIEF JUSTICE**

**Sd/-  
(K.S. HEMALEKHA)  
JUDGE**