



CNR: KAHC010628482026

NC: 2026:KHC:49663-DB
WP No. 28347 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH 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. 28347 OF 2026 (GM-POL)

BETWEEN:

1. M/S. THE UGAR SUGAR WORKS LIMITED
A PUBLIC LIMITED COMPANY
REGISTERED UNDER
THE COMPANY'S ACT, 1956
HAVING ITS REGISTERED OFFICE AT
MAHAVEER NAGAR, VAKHARBAGH
SANGLI - 416 416
MAHARASHTRA STATE
REPRESENTED BY ITS
LIAISON OFFICER
MR. VINAY ARVIND DESHPANDE
S/O. LATE ARVIND
AGED ABOUT 61 YEARS
HAVING ITS BRANCH OFFICE NO.317
9TH MAIN ROAD, 14TH CROSS
JAYANAGAR, II BLOCK
BANGALORE - 560 011

(A COMPANY REGISTERED UNDER
THE COMPANIES ACT, 1956)

...PETITIONER

(BY SRI H.N. SHASHIDHAR, SENIOR ADVOCATE)



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AND:

1. THE KARNATAKA STATE POLLUTION CONTROL BOARD
PARISARABHAVANA
5TH FLOOR, NO.49, CHURCH STREET
BENGALURU - 560 001
REP. BY MEMBER SECRETARY
2. THE COMMISSIONER FOR
CANE DEVELOPMENT AND DIRECTOR OF SUGAR
5TH FLOOR, 'F' BLOCK, CBAB COMPLEX
KHB BUILDING, CAUVERY BHAVAN
K.G. ROAD
BENGALURU - 560 009
3. THE DEPUTY COMMISSIONER
OFFICE OF THE DEPUTY COMMISSIONER
RAVIVAR PET, BELAGAVI - 590 001
4. THE MANAGING DIRECTOR,
ESCOM, VIDYUTH BHAVAN
GOPANAKOPPA
HUBBALLI - 580 023

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO QUASH THE IMPUGNED ORDER DATED 29TH AUGUST, 2026 BEARING NO.PCB/155/HPI/17 CAT/2022/2026/293 PASSED BY THE 1ST RESPONDENT VIDE ANNEXURE-A UNDER THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND ALSO THE ORDER DATED 29TH AUGUST, 2026 BEARING NO.PCB/155/HPI/17 CAT/2022/2026/294 PASSED BY THE 1ST RESPONDENT VIDE ANNEXURE-B UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 AND ETC.



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THIS PETITION, COMING ON FOR PRELIMINARY HEARING 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 the orders dated 29.08.2026 (Annexures-A and B) directing closure under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 [**Water Act**] and Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981 [**Air Act**].
2. The petitioner submits that the impugned orders are premised on certain observations regarding non-compliance with certain measures, which were fully addressed.
3. The petitioner states that it established a sugar manufacturing plant with 500 TCD capacity at Ugarkurd, Kagwad Taluk, Belagavi District, Karnataka, in 1939. On 21.09.2022, the Karnataka State Pollution Control Board [**KSPCB**] issued a combined consent both under the Water Act and the Air Act for a period of five years for establishing an Ethanol Plant. KSPCB found



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that the petitioner had failed to implement certain measures required to control the pollution and accordingly issued a notice dated 25.02.2025, putting the petitioner on notice of the proposed direction to issue a closure order. The said notice also set out certain observations on the basis of which the directions were proposed. The petitioner responded to the said notice.

4. Apparently, a complaint was also made to the Karnataka Lokayukta regarding the industry, and on 30.07.2025, the said Lokayukta issued a letter to the petitioner.

5. On 20.10.2025, a show cause notice was issued by KSPCB. The petitioner states that it had submitted a reply. However, apparently the same was not accepted.

6. On 24.11.2025, KSPCB once again issued a notice setting out the observations regarding non-compliance of certain measures and its proposal for issuing a closure order.

7. The petitioner claims that it submitted a reply on 09.05.2026, *inter alia*, stating that it had taken the necessary steps to comply with the directions issued by KSPCB. The officials of KSPCB once



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again collected the water samples on 17.07.2026 from the petitioner's premises, and the petitioner claims that the analysis of those samples indicated that, except for one, other parameters are within the limits. A report dated 28.08.2026 was submitted, setting out the steps taken to comply with the observations. However, in the meantime, KSPCB had already taken a decision to issue the closure direction on account of non-compliance and accordingly, on 29.08.2026, issued the impugned orders.

8. In the aforesaid context, the petitioner filed the present petition.

9. Since the status report furnished by the petitioner on 28.08.2026 was not considered, the learned counsel for the KSPCB fairly stated on 07.09.2026 that a fresh inspection would be conducted to confirm whether the observations have been duly complied with. Today, he filed a memo enclosing a report of the inspection conducted on 09.09.2026. The said report indicates that the petitioner has taken steps to address most of the observations.

10. The learned counsel for the KSPCB fairly states that although some of the observations have been complied with and the



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petitioner has taken steps as required; however, there are several areas where KSPCB is unable to confirm whether necessary measures have been implemented. He points out that the sugar industry is seasonal and no crushing activities are being undertaken at present. He submitted that it was therefore, not feasible to determine whether any measures have been taken to control the pollution which would be generated during the crushing activities. Illustratively, he states that there is no way to find out whether the boiler is generating any pollution, as the unit is currently non-functional.

11. In view of the above, we consider it apposite to set aside the closure orders dated 29.08.2026 with a further direction to KSPCB to once again inspect the premises immediately on commencement of the crushing activity. In the event the officials find that any of the observations made earlier still remain to be complied with, the KSPCB may revive the closure orders without any further notice based on the fresh inspection report.

12. It is also clarified that this order not preclude the petitioner from availing its remedies in respect of the revived closure order,



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albeit in accordance with law. The KSPCB has also suggested that the petitioner take steps to conduct an Environmental Impact Assessment by a reputed agency. The petitioner has no objection to this suggestion. Accordingly, we direct the petitioner to also take steps to comply with the said suggestion.

13. The petition is disposed of with the aforesaid directions.

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

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

KPS
List No.: 2 Sl No.: 13