

2026:PHHC:099336-DB



CWP-17888-2014 (O&M)

Date of Decision: 20.07.2026

M/s Nestle R & D Centre India Pvt. Ltd. and others ...Petitioners

Vs.

Union of India and others ...Respondents

**CORAM: HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr.Rajesh Batra, Advocate,
Ms. Sonia Kukreja, Advocate,
Mr. Satish Sharma, Advocate and
Mr. Prince Bharol, Advocate for the petitioners.

Mr. Deepak Balyan, Addl. AG, Haryana.

ASHWANI KUMAR MISHRA, A.C.J. (Oral)

1. Although various prayers are made in the writ petition but at the time when the matter is finally heard, learned counsel for the petitioners confines the relief to the extent of quashing of Criminal Complaint No.19 of 2013 (Annexure P/2).

2. Petitioner before this Court is a Company registered under the provisions of the Indian Companies Act, 1956 and is having its registered office at M-5A, Connaught Circus, New Delhi and R&D Centre at IMT, Manesar, Haryana. It has proceeded to establish a Research and Development Centre, at Industrial Model Township, Manesar, District Gurugram, Haryana. For such purposes, the petitioner has established a unit at IMT, Manesar, which has been an Industrial Estate established by the Haryana State Industrial and Infrastructure Development Corporation (for short 'the HSIIDC').

3. Show Cause Notice was issued to the petitioners alleging violation of notification dated 14.09.2006, by the Ministry of Environment and Forests, under the provisions of the Environment (Protection) Act, 1986 (for short 'the Act, 1986') and rules framed thereunder, which required a prior environment clearance for establishment of certain industries. The petitioners filed its objections to the show cause notices stating that no prior environment clearance is required on the part of the petitioners inasmuch as the notification dated 14.09.2006, itself exempts those units which are established within the industrial area, to which, environment clearance has already been obtained by virtue of Clause 7 of the notification dated 14.09.2006.

4. Various clauses/conditions of the notification dated 14.09.2006, were referred to and relied upon in order to oppose the initiation of proceedings under Section 15 of the Act, 1986. Despite the reply submitted by the petitioners to the show cause notices, the authorities have proceeded further in the matter and have instituted a complaint under Section 15 of the Act 1986, quashing of which is prayed for in the present writ petition.

5. Learned counsel for the petitioners, at the outset, submits that notwithstanding its claim for exemption from the applicability of notification dated 14.09.2006, the petitioners proceeded to apply for an environment clearance certificate and that the State Environment Impact Assessment Authority, Haryana, has already issued such certificate to the petitioners on 24.12.2013. It is, therefore, submitted that on either count, the prosecution launched against the petitioners ought not to be continued inasmuch as there was no violation of notification dated 14.09.2006. In support of such contentions, our attention has been invited to the assertions made in para No.19 and 20 of the writ petition, wherein, the petitioner has made the following averments: -

“19. That the Government of Haryana sometime in year 2004 announced the creation of "Industrial Model Township, (IMT) Manesar" (hereinafter referred to as 'the IMT, Manesar) in Gurgaon. All IMT's are Industrial Estates with an area above 1500 acres at a particular place. A copy of the information with respect to Industrial Model Township, (IMT) Manesar as available on the web site of HSIIDC is annexed herewith as Annexure P-9. The Industrial Estate became operational in 2005 2006. With effect from 7.01.2008 the Government of Haryana made applicable amended Estate Management Procedure for governing HSIIDC. A copy of the amended Estate Management Procedure is annexed herewith as Annexure P-10.

20. The Petitioner Nestlé R&D Centre applied to Haryana State Industrial and Infrastructure Development Corporation Ltd. (HSIIDC) for allocation of a plot in the IT Park for setting up of a Research and Development Centre. Vide an allotment letter dated 11.06.2010, Plot No. 12A, Sector 8, IMT Manesar, measuring 5 acres was allocated to the Petitioner Nestlé R&D Centre. The possession of the Plot was handed over to the Nestlé R&D Centre on 26.7.2010. Conveyance Deed was executed on 28th March 2011. Vide letter dated 19/08/2011 the building plan of the project was approved by HSIIDC. Clause 10(e) of the approval letter stated that Nestlé R&D Centre will have to obtain clearance / NOC from Ministry of Environment and Forest in terms of EIA Notification 2006. Since the said Notification does not apply to the Petitioner Company and also the same was located in an Industrial Estate, Nestlé R&D Centre did not apply for Environmental Clearance at the first instance. A copy of the allotment letter dated 11.06.2010 and building plan approval letter dated 19.08.2011 are annexed herewith as Annexures P – 11 and P – 12.”

6. It is further asserted that various queries made to the respondents, were not responded by the respondents, as a result of which, a RTI query was lodged with the Public Information officer, of HSIIDC, on 16.09.2022. In

response to such query, a reply has been furnished under the RTI Act, 2005, on

28.09.2022, which specifically records that as per notification dated 14.09.2006, the HSIIDC is taking the environment clearance of new projects which are commencing after 14.09.2006. This reply categorically records that in respect of Industrial Model Township, Manesar, an environment clearance certificate has already been obtained. The RTI query dated 28.09.2022, is reproduced hereinafter:-

*“Sh. Dhruva Dhar,
A-46 (Rear Basement),
Vasant Marg, Vasant Vihar,*

Subject: Application under Right to Information Act, 2005.

Dear Sir,

This has reference to your RTI application dated 16.09.2022, on the subject cited matter.

In this connection, the pointwise reply in the above said RTI is as under:-

<i>Sr. No.</i>	<i>Query of applicant</i>	<i>Reply</i>
<i>1.</i>	<i>Was any environmental clearance taken before or after establishment of Industrial Model Township (IMT), Manesar? If yes, please provide with a copy of the said environmental clearance(s).</i>	<i>As per notification dated 14.09.2006, issued by Ministry of Environment and Forests, Govt. of India, the HSIIDC is taking the environment clearance of New Projects, which are commencing after the date of above notification.</i>
<i>2.</i>	<i>Whether Industrial Model Township (IMT), Manesar, is covered under Ministry of Environment & Forests Notification S.O. 60 (E) dated 27.01.1994 which requires all industrial estate to mandatorily seek environmental clearance.</i>	<i>Yes.</i>

Thanking you,

*Yours faithfully,
For Hr. State Ind. & Infra. Dev. Corp. Ltd.
Deputy Gen Manage (Engg.)
IMT-Manesar.”*

7. The claim of the petitioners is resisted by the learned counsel for the respondents, who states that at the time when the proceedings were initiated, the requirement of obtaining environment clearance under the notification dated 14.09.2006, did exist and since the petitioners had failed to obtain such clearance certificate prior to commencement of its activities, therefore, the proceedings were rightly initiated against the petitioners under Section 15 of the Act, 1986.

8. From the respective submissions advanced, we find that the controversy raised in the present matter relates to the interpretation of certain clauses of the notification dated 14.09.2006 issued under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986. The requirement of prior environment clearance is contemplated under Clause 2 of the notification, as per which all new projects or activities listed in the Schedule attached with the notification required prior environment clearance. The relevant clauses of the schedule for the present purposes are enumerated herein below:

4.	Materials Processing			
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area.	All new or expansion of projects located within a notified industrial area/estate.	Specific condition shall apply.
7.	Physical Infrastructure including Environmental Services			
7(c)	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather	If at least one industry in the processed industrial estate falls under the Category A, entire industrial area shall be	Industrial estate housing at least one Category B industry and area <500 ha. Industrial estate of area ?500 ha	Special condition shall apply. Note: Industrial Estate of area below

	<i>complexes</i>	<i>treated as Category A, irrespective of the area. Industrial estate with area greater than 500 ha and housing at least one category B industry</i>	<i>and not housing any industry belonging to Category A or B></i>	<i>500 ha and not housing any industry of category A or B does not require clearance.</i>
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9. There is a note appended to the notification containing specific conditions which reads as under:-

“Note:-

General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre-defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and

Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).”

10. The precise submission advanced on behalf of the petitioners is that the activity referred to in Schedule to notification dated 14.09.2006, clearly exempts all such activities which are located within an industrial area. This is so, as necessary certificate for the environment purpose are obtained by the Industrial Estate by virtue of Clause 7(c) and once that be the position, any industry established within such Industrial Estate does not require any further environment clearance. It is further argued that notwithstanding the non-applicability of the notification dated 14.09.2006, the petitioners applied for such certificate from the authorities as its claim for exemption under the notification was not being accorded consideration. Pursuant to such application made, the State Environment Impact Assessment Authority, Haryana, has already granted environment clearance for the purposes of construction at Plot No.CP-12-A, Sector 8, Industrial Model Township, Manesar, on 24.12.2013.

11. Facts as have been asserted on behalf of the petitioners are not in dispute. It remains undisputed that the unit of the petitioner is situated at Plot No.CP-12-A, Sector 8, Industrial Model Township, Manesar, which is an Industrial Township developed by HSIIDC. In reply to the RTI query raised by the petitioners, the department has clearly stated that it is taking the environment clearance of new projects which are commencing after 14.09.2006. So far as the Industrial Model Township, Manesar is concerned, the RTI query specifies that the township is covered under the notification of Ministry of Environment and Forests dated 27.01.1994. Even otherwise, the Ministry of Environment Forest and Climate Change has already issued an Office Memorandum dated 01.09.2022 clearly stating that establishment of Research and Development activities do not

require environment clearance under the notification dated 14.09.2006. This notification further fortifies the claim of the petitioners as per which it was not required to obtain any environment clearance. This notification is contained in Annexure P-24 to the writ petition and is reproduced herein below:-

“F. No. 22-17/2019-1A.III [121076]

Government of India

Ministry of Environment, Forest and Climate Change

(IA Division)

Indira Paryavaran Bhavan,

Jor Bagh Road, Aliganj,

New Delhi-110003

Dated: 1 September, 2022

OFFICE MEMORANDUM

Subject: Clarification on the applicability of EIA Notification, 2006, for Research and Development (R&D) Activities - reg.

The Ministry has been receiving requests for clarifying the applicability of EIA Notification, 2006, for undertaking various Research and Development (R&D) activities. Some of these matters were referred on case to case basis to the Expert Committee constituted to address policy issues, for taking a considered view on the same.

2 In view of receipt of other such representations seeking clarification on applicability of EIA Notification 2006 for undertaking various R&D activities, matter has been examined afresh in light of the earlier recommendations of the Expert Committee as mentioned above. Accordingly, it is hereby clarified that R&D activities on laboratory scale/pilot scale carried out for the projects or activities which are listed in the schedule to the EIA Notification 2006, as amended and where no commercial production is involved, are exempted from the requirements of prior EC,

provided such activities are clearly mentioned as R&D activities in the consents obtained from the respective State Pollution Control Boards.

3. In case an R&D facility is setup within the premises of an activity/ project that attracts the provisions of EIA Notification and has been granted EC, the R&D activity shall not cause any change in product mix or increase in the production capacity or the pollution load from that which is mentioned in the EC granted to the project. The consents obtained from the respective State Pollution Control Boards for the project/ activity requiring prior EC shall also clearly indicate or mention the details of R&D facility in the premises where the said R&D facility is being setup.

4 This is issued with the approval of the Competent Authority.

(Sharath Kumar Pallerla)

Scientist-G

To

1. Chairman, Central Pollution Control Board (CPCB).

2. Chairpersons/Member Secretaries of all EACs.”

12. From the materials placed on record, we find that the applicability of the notification dated 14.09.2006, to the petitioners' unit established within the Industrial Estate developed by HSIIDC, was seriously questioned. Admittedly, this aspect of the matter though raised before the authorities, has not been adverted to by the respondents. Even otherwise, appropriate environment clearance certificate has already been issued to the petitioner on 24.12.2013, once the respondents insisted upon the requirement of obtaining such certificate by the petitioner.

13. In such circumstances, we find that there is no willful or intentional default on the part of the petitioners which may justify initiation of proceedings for imposition of penalty for contravention of provisions of the Act,

1986/Rules/Orders/Directions in terms of Section 15 of the Act, 1986. Necessary ingredients to invoke jurisdiction under Section 15 of the Act, 1986, are therefore, not shown to exist/arise in the facts of the present case.

14. Once that be so, we do not find any justification with the authorities to proceed with complaint No.19 of 2013 (Annexure P/2), filed against the petitioners under Section 15 of the Act, 1986. Consequently, the present petition is allowed and complaint No.19 of 2013 (Annexure P/2) along with all consequential proceedings emanating therefrom are quashed, qua the petitioners.

15. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
ACTING CHIEF JUSTICE

(ROHIT KAPOOR)
JUDGE

20.07.2026
rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No