



2026:UHC:3595-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (M/B) No.366 of 2026

12th May, 2026

Dynasty Resort

-----Petitioner

Versus

Uttarakhand Pollution Control Board and Others

----Respondents

Presence:-

Ms. Abhilasha Tomar, learned counsel for the petitioner.

Mr. Rahul Verma, Addl. Advocate General for the State of Uttarakhand.

Mr. Aditya Pratap Singh, learned counsel for respondent nos.1 and 2.

JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)

1. The petitioner has assailed the order dated 28.04.2026 issued by the Regional Officer, Uttarakhand Pollution Control Board, Regional Office, Haldwani by which various directions have been issued in exercise of powers conferred under Section 33(A) of Water (Prevention and Control of Pollution) Act, 1974 and Section 31(A) of Air (Prevention and Control of Pollution) Act, 1981. The directions inter-alia provides for forthwith closure of the unit and for deposit of environmental compensation of ₹2,14,000/-.

2. The order records that the petitioner is running a hotel and of which inspection was made by the officials of the Regional Office on 07.10.2024 and 04.12.2024 and



in which it transpired that the petitioner was violating various provisions of the Acts and the Rules.

3. One of the main violations which was found was that discharge of effluents from STP was beyond the prescribed norms. The petitioner was issued a show-cause notice on 10.02.2025 based on the observations of the Inspecting Team.

4. It is the case of the petitioner that in response to the said notice, it submitted a reply on 28.02.2025 in which it was categorically stated that since after the inspection, improvements had been made in the STP plant and now discharge from the STP is as per prescribed norms. Various other pleas were also raised in respect of other violations.

5. The order records that again on 08.05.2025 inspection was carried out at the premises of the petitioner and sample was drawn from the STP plant of the petitioner and it was sent for testing. The report indicates that the discharge of effluents from STP was still in deviance with the prescribed norms. It was also found that the petitioner was disposing of solid waste generated from the hotel by burning it in the open in clear violation of the legal provisions. Consequently, the order for sealing of the premises and for payment of environmental compensation has been passed.



6. Learned counsel for the petitioner has made the following submissions:

a) That the respondents have not considered the objections of the petitioner dated 28.02.2025.

b) The inspection dated 08.05.2025 was not carried out in presence of the petitioner nor the report of the inspection was made available to the petitioner.

c) The requirement of law is that after inspection, order should be passed within 45 days, whereas in the instant case, the inspections were done on 07.10.2024, 04.12.2024 and 08.05.2025 and the order was passed on 28.04.2026 with considerable delay.

7. Learned counsel for the Uttarakhand Pollution Control Board has placed on record a compilation of documents to demonstrate that the sample was drawn on 08.05.2024 in presence of the representatives of the petitioner.

8. The inspection report dated 08.05.2024 has also been made part of the compilation and it indicates that at the time of inspection on 08.05.2025 Ms. Seema and Mr. Navin Chandra Dotal representatives of the petitioner were present. The analysis report of the



laboratory in respect of the sample collected on 08.05.2025 is as follows:

S.No.	Parameters	Results	Unit	Test Method	Standards for sewage and industrial effluent discharge in to stream
1.	Colour	Blackish	-	Visual	Colourless as far as practicable.
2.	Odour	Pungent	-	Sensory	Odourless as far as practicable.
3.	pH	6.53	-	APHA 4500 H*B:	6.5-9.0
4.	Total Suspended Solids	120	mg/L	APHA 2540 D	<100
5.	Total Dissolved Solids	1251	mg/L	APHA 2540 C	-
6.	Biochemical Oxygen Demand	54	mg/L	IS 3025(Part 44)	30
7.	Chemical Oxygen Demand	260	mg/L	IS 3025(Part 58): 2023,	<250

9. It is submitted that the inspection was carried out on 08.05.2025 only to ascertain the correctness of the stand taken by the petitioner in its reply dated 28.02.2025 that it had made improvements in the STP and now the effluent discharge from STP is within prescribed norms.

10. As the defense was found to be incorrect, therefore, the impugned order has been passed and no fresh notice was required to be given on the basis of the inspection carried out on 08.05.2025. It is further submitted that the closure order was sought to be enforced yesterday. Ms. Seema, the same representative of the petitioner, who was present at the time of inspection had given a request in writing that the petitioner be granted 24 hours' time as various rooms



were stated to be in occupation of different guests. She had given the undertaking that the guests would vacate on the next day and, thereafter, the order be enforced. Based on the said undertaking given by the representative of the petitioner firm, the enforcement of the impugned order was deferred for today.

11. We have considered the rival submissions and perused the material on record.

12. It has come on record that the matter relating to pollution of various hotels in the town of Nainital is being monitored in WPIL No.121 of 2025, 'Lalit Miglani Vs. State of Uttarakhand and Others'. In the said proceedings, the Pollution Control Board was required to file affidavit in respect of the concerns raised by the PIL petitioner. Therein the Pollution Control Board took the stand that in the inspection conducted by it, the hotels M/s Holidays Homes and M/s Dynasty Resort were found non-compliant and that a closure order had been passed on 28.04.2026 against the Dynasty Resort.

13. It is not disputed that on the basis of inspections made on 07.10.2024 and 04.12.2024 a show-cause notice was issued to the petitioner. The petitioner in reply submitted on 28.02.2025 did not dispute that the effluent discharge from the STP was not meeting the standard at the time of inspections.



14. The defense taken is that the petitioner had made improvements in the STP and thereafter the discharge was stated to be within prescribed norms. In order to ascertain the correctness of the said defense, inspection was again carried out on 08.05.2025. Although the inspection report does not bear signatures of the representatives of the petitioner but the report specifically mentions name of Ms. Seema and Mr. Navin Chandra Dothal who were present at the time of inspection.

15. It is not disputed before us that yesterday when team of the Pollution Control Board went at the site to seal the premises, an application with request to grant a day's time to the petitioner to ensure that the guests vacate the premises, was filed by Ms. Seema, on behalf of the petitioner, and she has also signed the writ petition and the affidavit in support of it. She has been authorized by the Board of Directors of the petitioner company to file the present writ petition (Annexure No.1), as such, we do not find much force in the contention that the inspection was carried out behind the back of the petitioner.

16. The report indicates that the effluent from the STP was beyond the prescribed norms. The continuous discharge of effluents from STP beyond prescribed norms would be disastrous to the environment. The action, *prima*



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facie, is based on re-inspection and ascertainment of the defense set up in the objections.

17. Learned counsel for the petitioner at this stage states that the petitioner be given liberty to file objection against the inspection report and the respondents be directed to examine the same. The submission is that now the STP has been improved and the discharge is within prescribed norms.

18. In view of the said stand, we deem it appropriate, in the interest of justice, that time be granted to the petitioner to file fresh objections. In the event, any objection is filed by the petitioner against the inspection report, the same shall be decided by respondent no.2 within two weeks.

19. The impugned order would abide by the decision that would be taken by respondent no.2 on the objections as may be filed by the petitioner.

20. The writ petition stands disposed of accordingly.

21. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 12.05.2026
SS

**SUKHBANT
SINGH**

Digitally signed by SUKHBANT SINGH
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