

**HIGH COURT OF UTTARAKHAND AT NAINITAL****THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA****AND****THE HON'BLE JUSTICE MR. SIDDHARTHA SAH****Writ Petition (M/B) No. 685 of 2026**

M/s Hotel Tourist Home

--Petitioner

Versus

Uttarakhand Pollution Control Board

--Respondent

August 24, 2026-----
Presence:-Ms. Kanika Sharma with Mr. Siddhant Goel and Mr. Pankaj Chandola, learned
counsel for the petitioner.Mr. Aditya Pratap Singh, learned counsel for the respondent.
-----**JUDGMENT : (per Mr. Manoj Kumar Gupta, C.J.)**

The present writ petition has been filed praying for quashing of demand notice dated 16.10.2025 whereby the respondent-Uttarakhand Pollution Control Board, has imposed a sum of Rs. 9,78,750/- as environmental compensation upon the petitioner.

2. It appears that petitioner had earlier approached NGT, Principal Bench, New Delhi, challenging a demand notice dated 08.11.2024 issued by the respondent to the petitioner, re-assessing the amount payable as environmental compensation. The said re-assessment was made in view of a previous order of NGT, Principal Bench, New Delhi dated 29.07.2024 in O.A. No. 353 of 2022, Kartik Sharma vs. State of Uttarakhand.



The NGT, by order dated 17.04.2025, had quashed the notice dated 08.11.2024, but at the same time granted liberty to the respondent to pass a fresh order after complying with the principles of natural justice. Thereafter, a fresh notice was issued to the petitioner on 27.05.2025 and after seeking response from the petitioner, the impugned order has been passed on 16.10.2025.

3. The main submission of learned counsel for the petitioner is that the petitioner, vide representation dated 20.07.2026 (Annexure A-19), requested for personal hearing, but without providing the same, the impugned order has been passed. It is thus submitted that the impugned order has been passed in violation of the principles of natural justice.

4. Learned counsel for the petitioner has also placed for our perusal an order passed on 09.01.2026 by a Co-ordinate Bench challenging a similar demand notice dated 16.10.2025. The said writ petition has been disposed of by a Co-ordinate Bench granting liberty to the petitioner therein to make fresh representation, with further direction to the respondent-Board to take decision on the same, and until decision is taken, not to take any coercive action against the petitioner.



5. Mr. Aditya Pratap Singh, learned counsel appearing on behalf of the respondent – Uttarakhand Pollution Control Board, very fairly states that the Board would take decision on the representation of the petitioner dated 20.07.2026 after providing personal hearing to the petitioner, and he further states that till personal hearing is provided and the representation is considered and decided, no coercive action shall be taken against the petitioner.

6. Having regard to the statement made by learned counsel for the respondent-Board, the writ petition is disposed of with direction to the Board to afford personal hearing to the petitioner and thereafter pass fresh order, and until any fresh order is passed, not to take any coercive action against the petitioner in pursuance of the impugned notice.

(MANOJ KUMAR GUPTA, C. J.)

(SIDDHARTHA SAH, J.)

Dated : 24.08.2026
Shiv/Akash