

THE HIGH COURT OF TRIPURA
AGARTALA

Cont. Cas (C) 13 of 2015

All India Plastic Industries Association,
Through Sri Pradip Saha, S/O. Late Pulin Bihari
Saha, resident of Town Shibnagar, near Lotus
Club Road, Agartala, P.O.-Agartala College, P.S.-
East Agartala, Tripura West.

..... *Petitioner*

- Vs. -

1. Sri S. Kumar,
Secretary to Government of Tripura,
Gurkhabasti, P.O. Kunjaban, Agartala,
Tripura West.
2. The Commissioner,
Department of Science, Technology and Environment,
Vigyan, Prajukti O Parivesh Bhawan,
P.N. Complex, Gurkhabasti,
P.O. Kunjaban, Agartala,
Tripura West.

..... *Respondents*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE U.B. SAHA

For the Petitioner : Mr. R. Saha, Advocate.

For the respondents : None.

Date of hearing & : 16.04.2015.
delivery of
Judgment & order

Whether fit for : No
reporting

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ.)

This contempt petition is highly misconceived.

2. This Court vide its order dated 09.01.2015 had directed as follows:-

"25. That brings us to the last question as to what relief should be granted. This Court cannot lose sight of the fact that for more than one year no plastic bags have entered the State of Tripura. Should we permit plastic bags to enter into the State of Tripura pending the hearing envisaged under Rule 4? We are not inclined to grant such relief to the petitioner. We, therefore, dispose of the appeal with the following directions:-

(i) That, the notification dated 3rd July, 2013 published in the gazette on 4th July, 2013 shall be treated to be the draft notification as envisaged under Rule 4. The petitioners already have notice of such notification and they may within fifteen days from today make appropriate representation to the State Government.

(ii) We further direct that the State Government shall within fifteen days from today publish this draft notification in two newspapers having wide circulation in the State of Tripura and in two national newspapers, one English and one Hindi having wide circulation in the country inviting objections against the said draft notification and the such advertisement be issued latest by 31st January, 2015 and objections be invited latest by 15th February, 2015.

(iii) Thereafter, the State shall consider the objections and decide the matter latest by 15th March, 2015. The objections filed by the petitioners or any other persons shall be disposed of by a speaking order.

(iv) In the larger interest of the public we direct that the draft notification will be given effect to and no plastic bags will be permitted to be imported till 15th March, 2015 or the date of decision of the State, whichever is earlier, and thereafter the matter shall be governed by the decision taken.

(v) In case the State takes no decision by 15th March, 2015 then the notification shall cease to be in force w.e.f. 16th March, 2015.

(vi) In case any decision is taken by the State Government which is against the petitioners, the petitioner shall be at liberty to challenge the same before the National Green Tribunal because all legal questions have now been decided as far as this court is concerned."

3. Thereafter, the petitioner filed objections and after considering the objections an order has been passed on 7th March, 2015 rejecting the objections. The main grievance of the petitioner is that in the order each and every objections raised by the petitioner-Association has not been considered.

4. We are not at all in agreement with the petitioner that this is a case of contempt of Court. We have already reserved liberty to the petitioner to approach the National Green Tribunal if he is aggrieved by the said order and he can do so even now.

5. As far as the contempt petition is concerned, we find no case for contempt is made out. Hence, the petition is dismissed.

JUDGE

CHIEF JUSTICE

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