

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

FRIDAY, THE TWENTIETH DAY OF FEBRUARY,
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI KALYAN JYOTI SENGUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

WP .NO: 1598 of 2015

Between:

M/s Lohiya Edible Oils (P) Ltd.,
(A Company incorporated under the Companies Act, 1956)
Phase II, Plot No.4, IDA Mankal, Maheshwaram Mandal,
R.R. District- 509 328. Represented by its Director, Mr. Mahaveer Lohiya.

..... Petitioner

AND

- 1 The State of Telangana, Represented by its Principal Secretary,
Department of Environment, Forests, Science and Technology (ENV),
Telangana State Secretariat, Hyderabad- 500 022.
- 2 The State of Telangana, Represented by its Principal Secretary,
Department of industries and Commerce, Telangana State Secretariat,
Hyderabad - 500 022.
- 3 The Member Secretary, Telangana State Pollution Control Board,
Paryavaran Bhavan, Sanathnagar, Hyderabad- 500 001.
- 4 Joint Chief Environmental Engineer, Telangana State Pollution Control
Board, Zonal Office, 4th Floor, Podupu Bhavan, Collectorate Office,
Nampally Strn. Road, Hyderabad- 500 001.
- 5 Environmental Engineer, A.P. Pollution Control Board, Regional office- I
Rangareddy District, D.No. 2-14-154/101, Flat no.101, My Residency,
Beerappagadda, Uppal, Hyderabad- 500039.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the return of the 'Consent for Establishment' ("CFE") Application dt. 21.01.2014 by the 3rd respondent, for installation of 10 TPH boiler to further expand its operations, vide Lr.No.132-RR-I/APPCB/ZO-HYD/CFE/2014- 561 dt. 01.03.2014, based on unsubstantiated allegations/reasons without any notice or opportunity of being heard given and further not considering the detailed clarifications/explanations provided by the industry vide Ref: LEOPL/JCEE/ZO/ APPCB/CFE/03/2014 dt.12.03.2014, as illegal, arbitrary, violative of the principles of natural justice and provisions of the Water (Prevention and Control of Pollution) Amendment Act, 1988 and Air (Prevention and Control of Pollution Amendment Act) 1987.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of Smt. B. Rachna,

Advocate for the Petitioner, G.P. for Forests (TG) for Respondent No.1, G.P. for Industries & Commerce (TG) for Respondent No.2, and Sri G. Madhusudan Reddy, Standing Counsel for Respondent Nos.3 to 5, the Court made the following

ORDER:

The matter is adjourned for a fortnight from date as we notice that the State of Telangana has taken a positive action for appointment of the Appellate Authority.

Contd...2/P

In the meantime, it would be open for the petitioner to approach the Pollution Control Board with suitable representation for reviewing the situation and the Pollution Control Board on receipt of the said representation, shall consider the same objectively.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Department of Environment, Forests, Science and Technology (ENV), State of Telangana, Telangana State Secretariat, Hyderabad- 500 022.
- 2 The Principal Secretary, Department of industries and Commerce, State of Telangana, Telangana State Secretariat, Hyderabad - 500 022.
- 3 The Member Secretary, Telangana State Pollution Control Board, Paryavaran Bhavan, Sanathnagar, Hyderabad- 500 001.
- 4 The Joint Chief Environmental Engineer, Telangana State Pollution Control Board, Zonal Office, 4th Floor, Podupu Bhavan, Collectorate Office, Nampally Stn. Road, Hyderabad- 500 001.
- 5 The Environmental Engineer, A.P. Pollution Control Board, Regional office- I Rangareddy District, D.No. 2-14-154/101, Flat no.101, My Residency, Beerappagadda, Uppal, Hyderabad- 500039.

(Addressees 1 to 5 BY RPAD)

- 6 One CC to Smt. B. Rachna, Advocate (OPUC)
- 7 Two CCs to the G.P. for Forests (Telangana), High Court, Hyderabad. (OUT)
- 8 Two CCs to the G.P. for Industries & Commerce (Telangana), High Court, Hyderabad. (OUT)
- 9 Two spare copies.

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HIGH COURT

**HCJ
&
SK,J**

DATED: 20-2-2015

NOTE: Matter is adjourned for a fortnight

ORDER

W.P.NO. 1598 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 21-02-2015

**HCJ
&
SK,J**

DATED: 20-2-2015

**NOTE: Matter is adjourned
for a fortnight**

ORDER

W.P.NO. 1598 OF 2015

DIRECTION

