

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 16397 of 2015

DATE OF DECISION : 10.08.02015

M/s New Maghar Stone Crusher, Village Bela Mastgarh, P.O. Mirthal,
Tehsil and District Pathankot

.... PETITIONER

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Aman Kashyap, Advocate,
for the petitioner.

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SATISH KUMAR MITTAL, J. (Oral)

Challenge in the present writ petition is an order dated 03.12.2014 (Annexure P-5) passed by the Chief Environmental Engineer, Punjab Pollution Control Board (respondent No.3 herein) under Section 33-A of Water (Prevention & Control of Pollution) Act, 1974.

Undisputedly, under the said Act, against such an order, remedy of filing appeal has been provided, which has not been availed by the petitioner. Faced with this situation, as well as keeping in view the fact that disputed questions of facts are involved in the instant case, learned counsel prays that the petitioner may be permitted to withdraw this petition with liberty to avail the aforesaid alternative remedy of appeal, with further

liberty to move an application for condonation of delay in filing the appeal.

Dismissed as withdrawn with the aforesaid liberty.

If any such appeal with an application for condonation of delay is filed by the petitioner within a period of 15 days from today, we hope that the Appellate Authority will consider and decide the same in accordance with law, on merits of the case.

(SATISH KUMAR MITTAL)
JUDGE

August 10, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE