

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9949 of 2014

Date of Decision: -19.9.2015

M/s Barmalt Malting (India) Pvt. Limited.

....Petitioner

vs.

State of Haryana and others

....Respondent.

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: - Mr. Arun Jain, Sr. Advocate with
Mr. Deepak Basatia, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. AG, Haryana

Mr. Lokesh Sinhal, Advocate for
respondent No. 5.

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Rakesh Kumar Jain, J (Oral)

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Petitioner-Company has invoked the writ jurisdiction of this Court under Article 226/227 of the Constitution of India for enforcing the fundamental rights enshrined under Article 19 (1) (g) and 21 of the Constitution of India and for smooth operation of the manufacturing plant of the company. It is alleged that the petitioner-company is running a manufacturing Plant at Village Khaliawas in District Rewari (Haryana) after obtaining the consent of Haryana State Pollution Control Board under Section 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 and 22 of the Air (Prevention and Control of Pollution) Act, 1981. It is submitted that on 8.5.2015, some of the residents of Khaliawas had organized a *Bhandara*, after having meals some of the villagers fell ill and some body spread a rumor that it had happened because of water having been polluted by the petitioner-company who is

manufacturing malt extract. As a result thereof, there was a great hue and cry, the factory premises were *gheraoed* by the residents of the village and the factory remained closed for about two months. Finally, the pollution control board (respondent No. 5) reported that so far as water is concerned, the petitioner-company has effluent treatment plant but there was some air pollution for which they were put to notice and initially the order of closure was passed by the Board which was challenged before the appellate authority and was allowed. In any case, learned counsel for respondent No. 5 has submitted that there is neither any water pollution nor any air pollution by the petitioner.

Respondents have filed their respective replies and it is now submitted by learned counsel for the State that the situation in and around the area of the petitioner's plant is calm and quiet and there is no report of any untoward incident.

Learned counsel for the petitioner, however, submits that respondent-State may be directed to ensure protection of the plant of the petitioner and its employees in future as well. It is directed that as and when the petitioner seeks security/protection, the petitioner is at liberty to approach the SSP concerned who would immediately attend the complaint of the petitioner-company and redress its grievance.

The petitioner, however, if so requires, may also take their remedy in law for damages.

Disposed of as above.

(RAKESH KUMAR JAIN)
JUDGE

19.9.2015
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