

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18217 of 2016

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1. M/s Interlink Coal Private Limited, a Company incorporated under the Indian Companies Act, 1956, having its Factory at Keshavpur, Karmnasha Bhabhua, District Kaimur through its Managing Director Sri Rasendra Kumar Singh S/o Late Rajendra Singh resident of Janki Niwas, Shukla Colony, Hinoo, P.S. Hinoo, District Ranchi

.... Petitioner/s

Versus

1. The Central Coalfields Ltd., a Subsidiary of Coal India Ltd., Darbhanga House, Ranchi through its Chairman - Cum - Managing Director
2. The Chairman - Cum - Managing Director, Central Coalfields Ltd., Darbhanga House, Ranchi
3. The General Manager (Sales & Marketing), Central Coalfields Ltd., Darbhanga House, Ranchi
4. The Senior Manager (Sales & Marketing), Central Coalfields Ltd., Darbhanga House, Ranchi
5. The Bihar State Pollution Control Board, Beltron Bhawan, Bailey Road, Patna through its Chairman
6. The Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Bailey Road, Patna
7. The Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate.

For the Respondent/s : Mr. Vishwa Mohan Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 29-11-2016 Heard Mr. Raj Kishore Prasad counsel for the petitioner, Ms. Binita Singh for the respondent- Bihar State Pollution Control Board (for short 'the Board') as well as Mr. V.M.K. Sinha for the Central Coalfields Ltd.

Petitioner runs a business in which coal is required.

The present application seeks a direction upon the respondent-



Board to grant renewal of 'Discharge Consent Order' and 'Emission Consent Order' to the petitioner's Company for which the applications were made on 27.05.2016 (Annexure-2) i.e. well before the expiry of the previous Consent Order(s) which was/were valid up to 30.06.2016. On account of non-availability of the Chairman of the Board, the respondent- Board could not consider and grant the 'Consent Orders' as requested vide Annexure-2. Considering the above, this Court vide order dated 15.11.2016 granted time to the respondent- Board to consider the pending application of the petitioner and place the order passed by the Board on the application of the petitioner for renewal /fresh grant of the 'Consent Orders'.

Ms. Singh, on instruction, states that within two weeks from today, the respondent-Board would consider the pending application of the petitioner and grant the 'Consent Orders' as required in law by the respondent- Board.

Mr. Prasad submits with reference to communication dated 25.7.2016 (Annexure-7) that considering the delay in consideration of the case of the petitioner by the respondent- Board a request was made to the respondent -CCL by the Member Secretary of the Board to continue with the supply of the coal to the petitioner as per the allotment as it was a default



on the part of the respondent-Board in not considering well within time the pending application of the petitioner for renewal/fresh grant of the 'Consent Orders' by the respondent-Board. There is no dispute at Bar that on the basis of the aforesaid communication the respondent- CCL continued to supply the coal, as per the allotment, to the petitioner's Company.

Having considered the submissions made by the parties, particularly, the stand taken by Ms. Singh appearing for the respondent-Board, this Court is inclined to dispose of the application by the following order:-

The respondent-Board shall consider and take appropriate decision with regard to grant of 'Discharge Consent Order'/ 'Emission Consent Order' in favour of the petitioner on the basis of the application (Annexure-2) already submitted by the petitioner's-Company within two weeks from today. The respondent- CCL, in the meantime, will not stop the supply of the coal as per the allotment/entitlement of the petitioner for the period falling between 29th of November, 2016 to 14th of December, 2016.

(Kishore Kumar Mandal, J)

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