

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

COCp no.187 of 2014 (O&M)

Date of Decision :03.03.2016

Sarv Dharam Seva Society

....Petitioner(s)

Versus

Smt. Seema Jain and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Parminder Pal Sharma, Advocate for

Mr. Puneet Sharma, Advocate for the petitioner

Ms. Reeta Kohli, Sr. Advocate with

Ms. Guneet Babbar, Advocate for respondent no.1 and 2

Mr. Manoj Chhabra, Advocate for

Mr. Amit Aggarwal, Advocate for respondent no. 3 and 4

MAHESH GROVER, J.

The petitioner had approached this Court alleging violation of the orders dated 4.4.2011 by which directions were given to the Punjab Pollution Control Board to finalize the show cause notice dated 24.12.2010 issued to respondent no.6 in the writ petition and to take necessary action in accordance with law after hearing the said respondent within a period of six weeks from the date of receipt of the certified copy of the order of the writ Court.

The petitioner filed the instant contempt petition after 3 years alleging that the industry of respondent no.6 in the writ petition was still operational and no action has been taken by the Pollution Control Board.

Reply has been filed where in para nos. 9 and 10 it has been stated as

“9. That thereafter, on certain occasions, the site of the industry in question was visited by the Officer of the Board on 7.10.2014(Annexure R-13) and it was observed that the industry was not in operation. The industry was visited by the officer of the Board on 30.1.2015 (Annexure R-14) and observed that the industry was not in operation during visit. The industry has installed 1 no. cutter machine in the premises of industry and engaged in manufacturing of Rubber dana from waste rubber. The representative present during visit informed that the industry has overtaken by M/s Jai Bhawani Enterprises from M/s Parkash Kapoor Rubber Industries since 2011. However, the industry is not operational from the last 3 years due to recession in market and the machinery has been kept on sale as informed by Sh. Tarun Kapoor representative of industry. The industry was again visited by the officer of the Board on 10.2.2015 (Annexure R-15), 2.5.2015 (Annexure R16) and 22.6.2015 (Annexure R-17) and observed that the main gate of the industry was lying locked . The industry was not in operation as the electric connection was lying disconnected during visits.

10. That the Board has also taken up the matter with the Punjab

State Power Corporation Ltd authorities in the background of

the directions issued by the office of the Punjab Pollution Control Board u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 vide letter no. 6063 dated 13.10.2011 for disconnection of the supply of electricity available to M/s Parkash Kapoor Rubber Industries, 28, Manjit Nagar, Basti Guzan, Jalandhar and compliance the Punjab State Power Corporation Ltd. Authorities have now disconnected the electricity supply available to the above mentioned unit vide temporary disconnection order i.e TDCO no. 3/65195.”

These averments have not been controverted by the petitioner by filing any counter affidavit even though reply was filed way back in September, 2015. The Court would thus deem it appropriate to dispose of the instant petition in view of para 9 and 10 of the reply, which have gone uncontroverted.

Disposed of.

March 03, 2016
rekha

(Mahesh Grover)
Judge