

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16284 of 2017

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M/s. Hero Int Udyog, through its Proprietor namely Dayanand Singh @ Dayanand Sharma, Son of Shri Kedar Singh, Resident of Village-Belaur, P.O.-Chandimo, Police Station-Rajgir, District-Nalanda.

.... Petitioner

Versus

1. The Bihar State Pollution Control Board, through its Secretary, having its Office at Beltron Bhawan, Bihar State Pollution Control Board, Shastri Nagar, Patna.
2. The Member Secretary, Bihar State Pollution Control Board, Patna.
3. The Chairman, Bihar State Pollution Control Board, Patna.
4. The Regional Officer, Bihar State Pollution Control Board, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Shivendra Kishore, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-12-2017 Heard Mr. Arun Kumar, learned counsel for the petitioner and Mr. Shivendra Kishore, learned Senior Counsel, appearing for the Pollution Control Board.

The petitioner is aggrieved by the order dated 16.5.2017 passed by the Regional Officer, Bihar State Pollution Control Board, whereby the petitioner has been directed to close his unit on his failure to respond to the notice dated 16.9.2016. A copy of the notice dated 16.9.2016 is enclosed at Annexure 3 and which, inter alia, initiates a proceeding against the petitioner on two grounds, namely:

- i. The petitioner has not submitted affidavit regarding proposed site.
- ii. The petitioner has not replied the letter no. T-



5439, dated 27.5.2016.

Although Mr. Arun Kumar, learned counsel appearing for the petitioner, invites attention of this Court to the reply filed by the petitioner at Annexure 4, but in my opinion and as rightly pointed out by Mr. Shivendra Kishore, learned Senior Counsel, it does not give reply to the notice dated 16.9.2016 on either of the two counts. It is in this view of the matter that the order dated 16.5.2017 has been passed which suffers from no infirmity.

It goes without saying that in case the petitioner satisfies the Pollution Control Board on the two lacunas pointed out in the notice dated 16.9.2016, they would consider and dispose of the same on merits in accordance with law preferably within four weeks of filing of such reply.

With the observations aforementioned, the writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

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