

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

Writ Petition No.10077 of 2017

ORDER: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

Heard Sri Ch.Samson Babu, Learned Counsel for the petitioner, and Learned Government Pleader for Industries and Commerce appearing on behalf of the 1st respondent and, with their consent, the Writ Petition is disposed of at the stage of admission.

This Writ Petition is filed to declare the proceedings of the Pollution Control Board dated 08.06.2016 purportedly passed applying the provisions of G.O.Ms.No.20 dated 01.03.2013, and in not complying with the directions of the Appellate Authority dated 17.11.2016 in I.A.No.49 of 2016, as arbitrary and illegal.

The Appellate Authority under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, by its order in I.A.No.49 of 2016 dated 17.11.2016, directed the Pollution Control Board to reconsider the case of the petitioner for grant of consent for expansion of the existing industry. The 2nd respondent had earlier passed order dated 08.06.2016, rejecting the petitioner's application for grant of consent for establishment, for the proposed expansion of the existing bulk drug and intermediate manufacturing unit, under Section 27 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. The 2nd respondent ordered that no construction or development work shall be carried out without obtaining consent for establishment as per the provisions of these Acts. Thereafter, on the petitioner approaching the Appellate Authority, the order dated 17.11.2016 came to be passed.

Learned Government Pleader for Industries and Commerce, on instructions from the 1st respondent, would submit that a committee headed by the Secretary, M.A. & U.D, has been constituted to submit their report regarding processing of applications for establishment of new polluting and non-polluting industries, and expansion of existing polluting and non-polluting industries located within the outer ring road; the same is under process for obtaining orders in circulation; since a report is likely to be submitted within a period of two months, all the applications would be taken up for consideration immediately thereafter; and this Court may consider granting the respondents three months time to consider the application submitted by the petitioner, and to comply with the directions of the Appellate Authority in I.A.No.49 of 2016 dated 17.11.2016.

In the light of the submission of the Learned Government Pleader for Industries and Commerce, we consider it appropriate to dispose of the Writ Petition directing the respondents to consider the petitioner's application and pass final orders thereon at the earliest, in any event not later than three months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

Dr.SHAMEEM AKTHER, J

Date:10.04.2017.
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