

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17589 of 2016
Date of decision: 17.4.2017

M/s Radha Swami Enterprises

.... Petitioner

Versus

State of Haryana & Ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON.
HON'BLE MR. JUSTICE DARSHAN SINGH.

Present: Mr. S.P. Chahar, Advocate for the petitioner.

Mr. S.S. Pannu, DAG, Haryana for the State – respondent No.1.

Mr. Randhir Singh, Advocate for the respondents No.2 & 3 –
Haryana State Pollution Control Board.

S.S. Saron, J.

The petitioner M/s Radha Swami Enterprises has filed the present petition under Articles 226/227 of the Constitution seeking quashing of the impugned order dated 22.07.2016 (Annexure P-7) passed by the Haryana State Pollution Control Board, Panchkula ('Board' – for short) (respondent No.2) in terms of which directions have been issued to the petitioner to close down its unit by sealing the plant and machinery along with DG set with immediate effect.

The petitioner is a manufacturing unit running in the State. It is stated that the present petition is maintainable against the impugned order dated 22.07.2016 (Annexure P-7) as an appellate authority prescribed under the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act' – for short) is not working as the State has not appointed one.

It is not, therefore, in dispute that the petitioner has the remedy of assailing the order before the Appellate Authority under the Air Act.

Learned State Counsel has placed on record three orders dated 14.4.2017 passed in terms of Section 28 (1) (2) of the Water (Prevention

and Control of Pollution) Act, 1974 and Section 31 (1) (2) of the Air Act as also sub Rule 19 of the Bio Medical (Waste Management & Handling), Rules, 1998 whereby Appellate Authorities have been constituted and Members have been appointed.

In view of the above, the petitioner may, if so advised, approach the Appellate Authority for redressal of its grievances in accordance with law.

The writ petition stands disposed of accordingly.

(S.S. Saron)
Judge

(Darshan Singh)
Judge

17.4.2017
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Note:

1. Whether the order is speaking/reasoned: Yes.
2. Whether the order is reportable : No.