

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17805 of 2016 (O&M)
Date of decision: 17.4.2017

Champion Photostat Industrial Corporation

.... Petitioner

Versus

Union of India & Ors.

.... Respondents

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

Present: Mr. Rishabh Kapoor, Advocate for the petitioner.

Mr. R.S. Malik, Advocate for respondent No.1.

Mr. S.S. Pannu, DAG, Haryana for the State.

Mr. Randhir Singh, Advocate for the respondents No.2 to 6
- Haryana State Pollution Control Board etc.

S.S. Saron, J.

The petitioner Champion Photostat Industrial Corporation, Rohtak has filed the present petition under Articles 226/227 of the Constitution of India seeking quashing of the order dated 31.05.2016 (Annexure P-2) passed by the Haryana State Pollution Control Board, Panchkula (respondent No.2) whereby the request of the petitioner for permission to import multifunctional devices in terms of notification dated 04.04.2016 (Annexure P-13) issued by the Govt. of India, Ministry of Environment, Forest and Climate Change framing the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 ('Rules' – for short) has been rejected.

A further prayer is made for directing the respondents to grant permission in terms of Form 7 for import of multifunctional devices as per Para 13 (2) of Part D of Schedule III of the Rules. A still further direction is sought to extend the Producer Responsibility Authorization under E-Waste (Management and Handling) Rules, 2011 in terms of Schedule-VIII of Rule 13 (2) of the Rules.

It is also prayed for directing respondents to decide the appeal of the appellant filed before respondent No.2 wherein it has vide order dated 31.05.2016 (Annexure P-2) rejected the request of the petitioner to grant permission for One Time Authorization under Form 7 of Rule 13 (2) of the Rules.

It is to be noticed that one of the prayers made by the petitioner is for deciding his appeal. As such it is not in dispute that the petitioner has the remedy of assailing the order of which he seeks invalidation before the Appellate Authority under the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act' – for short) and the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act' – for short).

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

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