

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

CWP-25009 of 2016

Date of Decision:- 13.01.2017

M/s Krishna Udyog

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. Abhilaksh Grover, Advocate,
for the petitioner.

Mr. Randhir Singh, Addl. A.G. Haryana.

S.S.SARON, J.

Learned counsel for the State has filed an affidavit of Sh. Sanjiv Kumar, Regional Officer, Haryana State Pollution Control Board, Yamuna Nagar region (respondent No.4) for and on behalf of respondents No.2 to 4 along with grant of consent for emission of Air under Section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 from 30.12.2016 to 31.03.2021. The affidavit along with grant of consent dated 30.12.2016 are taken on record.

The petitioner is a manufacturer of plywood and has been in the business since 1990. The Haryana State Pollution Control Board (respondent No.2) issued a notification dated 01.04.2012 (Annexure P-1) whereby the procedure for Consent Management for obtaining Consent to

Establish/No-Objection Certificate (NOC) and Consent to Operate under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 ('Water Act' – for short), the Air (Prevention & Control of Pollution) Act, 1981 ('Air Act' – for short) and Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 as amended from time to time for effective enforcement Environmental Laws was laid down. Categories were provided in the said notification (Annexure P-1) i.e. Red & Orange Category and Green Category. Plywood industry was under the Orange Category while Carpentry and wooden furniture manufacturing (excluding saw mill) with the help of electrical (motorized) machines such as electric wood planner, steel saw cutting circular blade etc. were under the Green Category. An office order dated 06/14.7.2016 (Annexure-P2) was also issued by the Haryana State Pollution Control Board in which again plyboard manufacturing was under the Orange Category while carpentry and wooden furniture manufacturing was under the Green Category.

The petitioner applied for consent to establish and consent to operate on 22.1.2015 which was issued by respondents No.2 to 4 under the Water Act and the Air Act vide letter dated 04.8.2015 (Annexure P-4) for the manufacture of plyboard. A consent to operate from 11.3.2016 to 31.3.2017 was also issued vide letter dated 16.3.2016 (Annexures P-5 and P-6). Another certificate of Consent to Establish to the petitioner was issued on 13.9.2016 (Annexure P-7) after the expiry of the previous certificate. Besides, the petitioner in terms of application dated 14.10.2016 (Annexure P-8) also applied for Consent to Operate for the period starting from 04.10.2016 to 31.3.2021.

The petitioner alleged that respondents No.2 to 4 without revocation of the Consent to Establish or the Consent to Operate issued impugned notice dated 07.11.2016 (Annexure P-9) under Section 33 (A) of the Water Act and 31 (A) of the Air Act directing to close down the unit stated that it had not complied with the condition of Consent of Establish and Consent to Operate. The Unit of the petitioner was shutdown and he assailed the said notice dated 07.11.2016 (Annexure P-9) by way of the present petition.

In terms of the reply of Sh. Sanjeev Kumar, Regional Officer, Haryana State Pollution Control Board, Yamuna Nagar Region, Jagadhri that has been filed in Court today it is submitted that the Consent to Operate for the period from 30.12.2016 to 31.03.2021 has been granted to the petitioner. Copy of the grant of consent dated 30.12.2016 has been enclosed. It is submitted that show cause notice was issued by the petitioner since he failed to make clarifications sought in its application for consent to operate. It is submitted that the petitioner thereafter made clarification on the portal which had been accepted and consent till 31.03.2021 has accordingly been granted to the petitioner - Unit. Therefore, the petitioner now has no cause of action to maintain the present petition and it has become infructuous.

Learned counsel appearing for the petitioner submits that keeping in view the consent to operate, granted to the petitioner-Unit till 31.03.2021 he does not press the petition and may be disposed of as infructuous, however, he submits that the Board authorities may not harass him.

Keeping in view the facts and circumstances that necessary consent to operate has been granted to the petitioner-Unit till 31.03.2021 and the petitioner himself states that he does not press the petition further, nothing survives in the present petition and the same is accordingly, dismissed as having been rendered infructuous.

(S.S.SARON)
JUDGE

(DARSHAN SINGH)
JUDGE

January 13, 2017
mohan

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No