

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH
RANGANATHAN
AND
HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

WRIT PETITION No.20128 of 2018

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

Heard Ms Suruchi, learned Counsel for the petitioner, and Sri G.Rama Chandra Rao, learned Standing Counsel for Pollution Control Board and, with their consent, this writ petition is disposed of at the stage of admission.

The petitioner claims to have been issued Consent for Operation, of a deheaded shrimp processing unit, by the A.P. State Pollution Control Board. While matters stood thus, a show cause notice was issued on 06.04.2018 informing that, on inspection of the unit on 04.04.2018, it was found that the effluent treatment plant was not in operation, and effluents were by-passed outside the premises through an internal drain into the creek, which in turn polluted the input water source. Besides this, several other violations were recorded in the show cause notice. In their reply thereto, the petitioner, vide letter dated 20.04.2018, informed the A.P. State Pollution Control Board that, because of short circuit of the air blower, the effluent treatment plant had got burnt; as a result, they could not treat water through the effluent treatment plant; they have now rectified and replaced the air blower; and effluent water would be discharged through their own survey

plantation land hereafter, without any deviation from their end.

Ms. Suruchi, learned counsel for the petitioner, would submit that, all the other violations, as referred to in the show cause, have also been complied with; and despite the reply submitted by the petitioner, to the show cause notice, on 20.04.2018, the Joint Chief Environmental Engineer had passed the impugned order on 28.04.2018 directing closure of their unit.

As noted hereinabove, it was, pursuant to an inspection caused by the officials of Pollution Control board on 04.04.2018, that the show cause notice dated 06.04.2018 was issued. While the show cause notice refers to five violations, the petitioner's reply deals only with the discharge of effluents. Ms. Suruchi, learned Counsel for the petitioner, would submit that all the violations relate only to the short circuit of air blower, and all of them are connected with the effluent treatment plant.

It is wholly unnecessary for us to examine the rival contentions on its merits, for it is only if the petitioner takes steps to rectify the deficiencies pointed out in the inspection report, and in the show cause notice, can they be permitted to carry on operation. Suffice it, therefore, to direct that, if the petitioner submits a detailed representation explaining how and in what manner the violations referred to in the show cause notice have since been complied with, the A.P.State

Pollution Control Board shall depute its officials to cause an inspection afresh; and if they are satisfied that all the violations have since been corrected, and the unit is complying with all environmental laws, to then consider whether or not the order of closure should be revoked.

Ms. Suruchi, learned Counsel for the petitioner, would submit that the petitioner would submit their representation to the Pollution Control Board within three days from today. The Pollution Control Board shall, within ten days thereafter, cause an inspection of the subject premises, after intimating the petitioner of the date on which the inspection is to be caused; and, based on the report of the inspecting team, consider and pass orders within ten days of inspection, as to whether or not the order of closure should be revoked, and communicate its decision to the petitioner.

The Writ Petition is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand dismissed. However, in the circumstances, without costs.

RAMESH RANGANATHAN, ACJ

KONGARA VIJAYA LAKSHMI, J

Date: 18.06.2018
 usd

