

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.44725 OF 2018

ORDER: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

The issue arises under the Air (Prevention and Control of Pollution) Act, 1981 (for short 'the Act').

The petitioner challenges the directions issued under Section 31 (A) of the Act.

Heard Mr.Ganta Rama Rao, learned senior Counsel for petitioner and the learned Government Pleader & learned Standing counsel for respondents.

The petitioner contends that the factual basis on which the closure order is issued by respondent No.4 is untenable. According to petitioner, the petitioner has substantially complied with all the directives issued by respondent Nos.3 and 4; respondent Nos.3 and 4, if have either considered the explanation given by the petitioner or conducted fresh inspection, the order impugned in the writ petition would not have been passed. Therefore, though remedy is available under the Act, the petitioner prays for re-examination of issue by respondent Nos.3 and 4. This Court after perusing the record is inclined to dispose of the writ petition by this order:

Liberty is given to petitioner to submit further explanation, within two weeks from today by enclosing copy of this order, reporting due compliance of all the directions issued by the Board or that the omissions pointed out in the closure order are attended to. The petitioner appends to the explanation now permitted to be filed

the photographic evidence of compliance of the directions /omissions noted in this behalf. Respondent Nos. 3 and 4 are directed to cause fresh inspection after issuing intimation/notice to petitioner within one week thereafter. Depending on the outcome of the inspection report, a decision is taken within four weeks from today. The inspection report, if is in favour of petitioner, temporary revocation orders are issued, ambient emission standards are recorded and analyzed during the said period of temporary revocation. The activity of petitioner, if is found to be compliant with law or standards, further orders as are deemed necessary may be issued by the Board.

The writ petition is disposed of accordingly. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date:12-12-2018

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