

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42312 of 2014

DECIDED ON: November 01, 2018

AYUSH BHALLA AND ORS.

..PETITIONERS

VERSUS

PUNJAB POLLUTION CONTROL BOARD ...RESPONDENTS
AND ORS.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sonpreet S. Brar, Advocate for
Mr. JS Bedi, Advocate,
for the petitioners.

Mr. Ashish Grover, Advocate.
for respondent No.2

Mr. Sanjeev Soni, Advocate,
for respondent No.3

Ms. Nikita Bansal, Advocate for
Ms. Nitin Kaushal, Advocate.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing Complaint No.COMA388/2013 dated 14.12.2011 (P-8) and summoning order dated 14.12.2011 (P-9) and all subsequent proceedings arising therefrom.

Briefly, respondent No.1 filed a complaint dated 14.12.2011 (Annexure P-8) against the petitioners under Sections 43 and 44 read with Section 47 of the Water (Prevention and Control of Pollution)

Act, 1974 (for short, "Act") as amended for violation of Sections 24, 25 & 26 of the said Act on the ground that the petitioner as a colonizer carved out a residential colony named as Rajinder Estate at Moga without providing basic amenities and facilities.

The petitioners by way of instant petition have laid challenge to the aforesaid complaint (Annexure P-8) on the ground that the same was liable to be dismissed being not maintainable, inasmuch as, they had provided all basic amenities and facilities before allotment of plots to the buyers. In fact, at the time of granting licence to the petitioners, no condition was imposed upon them for installation of any effluent treatment plant. It was simply directed that charges for sewerage and water connection shall directly be payable to Municipal Corporation-respondent No.3 by the petitioners. Therefore, no space for effluent treatment plant was reserved in the layout plan. The officers of respondent No.1 inspected the colony carved out by the petitioners and being not satisfied with the sewerage effluent treatment work carried out by them, passed order dated 10.12.2008 asking the petitioners to submit/produce a bank guarantee of Rs.5 lakhs as an assurance to install sewerage treatment plant.

Consequently, petitioners wrote a letter to PUDA for approval of a revised layout plan, reserving a site for installation of sewerage treatment plant in compliance to the aforesaid order dated 10.12.2008 of respondent No.1.

However, in the meantime, respondent No.1 filed the impugned complaint for no fault of the petitioners.

Heard.

Admittedly, the approval has been granted to the petitioners by respondent No.3, permitting them to join the sewerage lines of their colony in its sewerage line vide letter No.1138 dated 08.10.1996. Therefore, there is no necessity to install sewerage treatment plant in compliance to the order dated 10.12.2008 of respondent No.1.

Consequently, the impugned complaint (P-8) and summoning order dated 14.12.2011 (P-9) are liable to be quashed.

Ordered accordingly.

November 01, 2018

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No