

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

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**CWP-11817-2016
Date of Decision: 07.03.2018**

**GRAM PANCHAYAT OF VILLAGE MANDIALA KHURD
THROUGH ITS SARPANCH KULJIT KAUR**

....Petitioner.

Versus

STATE OF PUNJAB AND ORS.

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Man Mohan Singh, Advocate for the petitioner.

Mr. Jagmohan S. Ghuman, DAG, Punjab.

Ms. Reeta Kohli, Senior Advocate with
Ms. Savvy Kaushal, Advocate for
respondents No.2, 5 and 6.

Mr. Arjun Sharma, Advocate for
respondent No.7.

ANUPINDER SINGH GREWAL, J.

The petitioner through the instant petition has sought directions to respondents No.1 to 6 to direct private respondent No.7 to comply with the terms and conditions of the guidelines issued by the Punjab Pollution Control Board and to remove unauthorized construction carried out in village Mandiala Khurd.

2. The petitioner is the Gram Panchayat of village Mandiala Khurd, District Ludhiana and instant petition is being preferred through its Sarpanch.

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3. Learned counsel for the petitioner has contended that respondent No.7 is setting up its industry in gross violation of the pollution norms as well as conditions of CLU pertaining to prohibition of construction within 100 meters of the boundary of the village.

4. In the reply filed on behalf of the Punjab Pollution Control Board, it is stated that complaints had been received against respondent No.7 and, therefore, the Assistant Environmental Engineer, Punjab State Power Corporation vide letter dated 06.02.2015, was directed not to release the electricity connection of the industry without prior permission of the Punjab Pollution Control Board. Thereafter, representation was received from respondent No.7 on 12.08.2015, which revealed that it had incurred an expenditure of Rs. 120 crores in setting up the unit by importing new machinery from Japan, Switzerland and France which was stated to be free from water, air and noise pollution. Respondent No.7 had undertaken to adopt additional measures as suggested by the Pollution Control Board. It is also stated in the reply that the unit set up by respondent No.7 was inspected on 27.08.2015, which indicated that it had indeed installed the machinery purchased abroad. It is further stated that the claim of the industry that the machinery is totally pollution free, will be checked, once the unit starts regular production. The distance of village *firni* and residential area from the alleged source of air

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pollution in the industry was found to be 142 meters and 162 meters respectively, which is thus beyond the limit of 100 meters.

5. In the reply filed on behalf of respondents No.1, 3 and 4, it is stated that part of the construction by respondent No.7 in the unit falls within 100 meters of the village *firni* and respondent No.7 has been asked to remove it. It is also stated that the Director of Factories Punjab, Chandigarh has been asked to take necessary action in this regard. Reference to the communication sent in this regard has also been made.

6. Learned counsel appearing for respondents No.2, 5 and 7 had stated that the industry is yet to commence production and before it is operational, the machinery will be checked and only if it is within the environmental limits, will it be given a no objection certificate.

7. In view of the aforementioned reply filed by the respondents, it is evident that the industry is yet to commence production, which shall be allowed only after no objection certificate is granted by the Punjab Pollution Control Board.

8. We do not find any justification to issue directions at this stage. The unit is yet to commence production and only in case, it fulfills all the norms would it be entitled to start operations.

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It is expected of the respondents-authorities to act in accordance with law to ensure that before respondent No.7 commences its operations, it complies with law and environmental norms.

9. Therefore, we do not find any justification to entertain this petition, at this stage. However, in case of any violation by respondent No.7 after it commences its operations, the petitioner shall be at liberty to approach this Court, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

07.03.2018

SwarnjitS

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO