

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

**CWP-10663-2017 (O&M)**  
**Date of Decision: 08.05.2018**

M/s Sangam Stone Crushing Co.

--Petitioner

Versus

State of Punjab & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE AJAY KUMAR MITTAL,**  
**ACTING CHIEF JUSTICE**  
**HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. Gurminder Singh, Sr. Advocate with  
Mr. R.P.S. Bara & Mr. J.S. Gill, Advocates

Mr. Avinit Awasthi, A.A.G., Punjab.

Mr. Rita Kohli, Sr. Advocate with  
Mr. Rahul Sharma, Advocate for  
P.P.C.B.

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**TEJINDER SINGH DHINDSA.J (Oral)**

1. Petitioner is running a stone crushing unit.
2. The instant petition has been filed raising a challenge to the orders/directions dated 15.6.2015 and 2.7.2015 passed by the Punjab State Pollution Control Board and in terms of which the consent granted to the petitioner has been revoked and the General Manager, Mining has been called upon to cancel the registration of the petitioner-unit. Petitioner is also aggrieved by the directions whereby it has been called upon to remove the entire machinery.
3. At the stage of issuance of notice of motion to the respondent authorities, interim directions were issued by this Court to the effect that in the meanwhile status quo shall be maintained with respect to the unit of the petitioner.

4. During the course of hearing today, it has gone uncontroverted that petitioner had preferred appeal against the impugned directions under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (as amended in 1988) as also under the Air (Prevention and Control of Pollution) Act, 1981 (as amended in 1987). The appeals had been preferred to the Secretary, State of Punjab, Department of Science and Technology being the appellate authority.

5. Ms. Rita Kohli, learned Senior Advocate representing the respondent-Punjab State Pollution Control Board has been candid in admitting that the previous incumbent i.e. the Secretary, Department of Science and Technology, State of Punjab was also holding the additional charge of the post of Chairman, Punjab State Pollution Control Board, Patiala and as such there was an obvious conflict of interest.

6. We are also of the considered view that the appellate authority while holding the additional charge of the post of Chairman, Punjab State Pollution Control Board was virtually acting as a Judge in his own cause while exercising appellate powers.

7. We have been apprised by learned State counsel that circumstances have since changed and Mr. Roshal Sankaria, I.A.S is presently posted and working as Secretary, Govt. of Punjab, Department of Science and Technology and is no longer vested with the additional charge of Chairman, Punjab State Pollution Control Board.

8. A very fair stand has been taken by Ms. Rita Kohli, learned senior counsel that the issue be remanded back to the appellate authority for deciding the appeals afresh.

9. As such, without entering into the merits of the case, the writ petition is disposed of with the direction to the appellate authority to examine the appeals preferred by the petitioner-unit against the impugned directions/orders passed by the Punjab State Pollution Control Board in accordance with law. Any order that may have already been passed by the earlier appellate authority while holding the additional charge of the post of Chairman, Punjab State Pollution Control Board would be treated as non-est.

10. The exercise of reconsideration be finalized expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.

11. The interim directions already issued with regard to maintenance of status quo would enure in favour of the petitioner till the disposal of the appeals by the appellate authority as has been directed in this order.

Disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**(AJAY KUMAR MITTAL)**  
**ACTING CHIEF JUSTICE**

**08.05.2018**

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| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |