

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

**CWP No.30037 of 2018
Date of Decision :19.12.2018**

Punjab Brick Kiln Owners Association Punjab

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Gurminder Singh, Sr. Advocate with
Mr. R.P.S. Bara, Advocate for the petitioner.

Mr. Atul Nanda, Advocate General, Punjab with
Ms. Monica Chhibbar Sharma, Sr. DAG, Punjab and
Dr. Malvika Singh, AAG, Punjab.
Mr. R.S. Bhatta, Advocate
for respondents No.50 and 56.
Mr. R.S. Sekhon, Advocate for respondent No.55.
Mr. K.K.Goel, Advocate for respondent No.58.
Ms. Meena Bansal, Advocate
for respondents No.59 to 62.
Mr. Vivek Gupta, Advocate
for respondents No.66 and 67.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

It has been brought to our notice that after we have entertained this petition and passed the order dated 28.11.2018, the petitioner approached the National Green Tribunal raising a grievance against the order passed by the Appellate Authority allowing functioning of the brick kilns using Zig Zag Technology. The Tribunal finding that the Appellate

Authority has passed the order without hearing the petitioner herein (the applicant before the NGT), passed an order dated 14.12.2018, the operative part of which reads as under:-

“In view of the above, we permit the appellant to move the Appellate Authority and till a fresh order is passed, the impugned will be treated as tentative. After hearing the appellant, it will be open to the Appellate Authority to pass any fresh or further order in accordance with law.

The appeals stand disposed of”.

In view of the fact that the petitioner Association itself approached the NGT and obtained an order whereunder it has to approach the Appellate Authority, we see no justification for this petition to continue on the Board before us any further. It shall be open to the petitioner to raise all such objections which have been raised before us, before the Appellate Authority and it shall be imperative upon the Appellate Authority to consider and adjudicate upon the same after hearing all the stakeholders.

An issue has been raised before us that certain brick kilns who have not installed the Zig Zag technology are also operational and functional in violation of the earlier orders. We leave it open to the petitioner to bring this fact to the Appellate Authority by moving an appropriate application and in case such an application is made it shall be incumbent upon the Appellate Authority again to pass suitable orders

thereon after hearing all the stakeholders in accordance with law. The application and the main proceedings shall be decided preferably within a period of 10 days from today by passing a reasoned and speaking order.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

19.12.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No