

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.9121 of 2019

&

W.MP.No.9634 of 2019

Bio tech Bags India Pvt.Ltd.,
Rep.by its Director,
T.Subramanian Shankar,
S/o.Subramanian Anantha Narayanan
Plot No.122, SIDCO Industrial Estate,
Thirumazhisai, Chembarambakkam,
Thiruvallur, Tamilnadu - 602 107. ...Petitioner

Vs

1. The Central Pollution Control Board,
(Ministry of Environment Forest & Climate Change)
Government of India,
Rep.by its Additional Director,
'Parivesh Bhawan, C.B.D cum Office complex,
East Arjun Nagar, Shahdara,
Delhi- 110032.
2. The Tamilnadu Pollution Control Board,
Rep.by its Chairman,
76, Anna Salai, Guindy Industrial Estate,
Race View Colony, Chennai - 600 032.
3. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Plot No.41, 1st Street,
Judges Colony, Thiruvallur. ... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the respondents 1 and 2 vide Proceedings No.T1/TNPCB/F, 15528/TLR/Closure/2019-1 dated 21.01.2019, Proceedings No.T1/TNPCB/F, 15528/TLR/EB/2019-2 dated 21.01.2019, Proceedings No.T1/TNPCB/F, 15528/TLR/Sealing/2019-1 dated 21.01.2019 and the file No.B-17011/7/PWM(Comp)/2017 dated 07.01.2019 and quash the same.

For Petitioner : Mr.A.Thiagarajan
For R1 : Mrs.M.Swarnalatha
For R2 & R3 : Mr.Abdul Saleem

O R D E R

[Order was delivered by R.SUBBIAH,J]

The Writ petition has been filed by the petitioner challenging the order passed by the respondents 1 and 2 vide Proceedings No.T1/TNPCB/F, 15528/TLR/Closure/2019-1 dated 21.01.2019, Proceedings No.T1/TNPCB/F, 15528/TLR/EB/2019-2 dated 21.01.2019, Proceedings No.T1/TNPCB/F, 15528/TLR/Sealing/2019-1 dated 21.01.2019 and the file No.B-17011/7/PWM(Comp)/2017 dated 07.01.2019.

2. The closure order was passed by the second respondent dated 21.01.2019 directing disconnection of power supply in the petitioner company as per the powers delegation given under section 5 of the Environment (Protection) Act, 1986 by the Central Government vide Ministry of Environment and Forest Notification S.O.327(E) dated 10.04.2001.

3. When the matter was taken up for consideration, the second and third respondents have filed counter stating that the closure order has been revoked by an order dated 24.05.2019 and power supply has also been directed to the petitioner.

4. The relevant paragraph in the counter reads as follows:

"It is respectfully submitted that CPCB vide letter dated 07.01.2019, has reported that 12 firms are marketing uncertified compostable carry bags in Indian Market. Out of it, the following 4 Firms are located in Chennai which include M/s. Biotec bags (P) Ltd., Chennai who have not been authorized and issued certificate by the CPCB as per Rule 4(h) of Plastic Waste Management (PWM) Rules, 2016, therefore resulted into non compliance of the provisions of PWM Rules, 2016 as amended, 2018. The CPCB had directed to take appropriate action against the violators/defaulters of the provisions of PWM rules, notified in 2016, as amended, 2018 under section 5 and 15 of the Environment (Protection) Act, 1986."

5. In view of the counter filed by the second and third respondents the relief sought for by the petitioner herein has become infructuous and hence, nothing survives for adjudication in this writ petition. Hence, this writ petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Director,
The Central Pollution Control Board,
(Ministry of Environment Forest & Climate Change)
Government of India,
'Parivesh Bhawan, C.B.D cum Office complex,
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2. The Chairman,
The Tamilnadu Pollution Control Board,
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Race View Colony, Chennai - 600 032.
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Plot No.41, 1st Street,
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+1cc to Mr.Abdul Saleem, Advocate Sr.48131

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mp[co]
srg 08/07/2019