

**THE HON'BLE THE ACTING CHIEF JUSTICE
RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT PETITION NO.7945 OF 2019

ORDER: (Per Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

M/s. SNS Starch Limited has challenged the legality of the closure order dated 10.04.2019, passed by the Telangana State Pollution Control Board.

Briefly the facts of the case are that in the year 2008 the petitioner had established a World Class Wet Corn plant to produce high quality food and food ingredients, at Kondair village, Itikyal Mandal, Mahabubnagar District. In furtherance of the said objective, the petitioner had obtained all the necessary statutory and other departmental permissions from the concerned authorities. The former Andhra Pradesh State Pollution Control Board, as it then was, and presently the Telangana State Pollution Control Board, the 2nd respondent, had originally considered the grant of Consent for Establishment of a factory having a total production capacity of Maize Starch of 60,000 MT per annum, Maize Germs of 5,850 MT per annum, Maize Gluten of 4,500 MT per annum and Maize Fiber of 10,000 MT per annum. The respondent No.2 granted the Consent for Operations of the said unit. Since the petitioner wanted to expand the said unit, it had applied for the consent to expand the said unit, which was granted by the then Pollution Control Board by order dated 02.09.2011. Even subsequently, by order dated 01.09.2012, the further

expansion by the petitioner's unit was permitted. According to the petitioner, it has employed about 150 people directly, and over 1200 people indirectly. Since the petitioner has to buy a large quantity of Corn, indirectly it is also helping the local farmers by buying their products.

However, during the functioning of the petitioner's unit, a Kottam Tulasi Reddy Memorial Educational Society filed a complaint before the National Green Tribunal, Principal Bench, New Delhi wherein the society raised objections with regard to the petitioner's activity, and especially with regard to the air and water pollution being caused by the unit run by the petitioner.

Furthermore, according to the petitioner, due to financial difficulties and due to the market conditions, the petitioner's unit started losing financially. Consequently on 01.03.2017, the petitioner's unit was closed. However, since the petitioner was successful in certain revival steps, due to the support received by the financial institutions, and since the petitioner could get job of contract work, the petitioner restarted the unit from 17.01.2019 onwards.

While things stood thus, the petitioner was shocked to receive a closure order dated 10.04.2019. Hence, the present petition before this court.

The learned counsel for the petitioner has raised the following contentions before this court: firstly, even after the closure order dated 10.04.2019, the petitioner has not only removed the deficiencies pointed out by the respondent No.2, but

had also submitted a representation on 12.04.2019 wherein the petitioner has clearly stated the steps have been taken for reducing the alleged pollution caused by the petitioner's unit. However, according to the learned counsel, no action has been taken on the said representation.

Secondly, the inspection carried out on 15.02.2019 and 17.02.2019, does not actually show that air and water pollution is being caused by the petitioner's unit. Therefore, the closure order is legally unjustified. Hence, the closure order deserves to be set aside by this court. In the alternative, the learned counsel has also pleaded that the respondent No.2 should be directed to consider the representation filed by the petitioner, and to permit the unit to be reopened.

On the other hand, the learned counsel for the respondent No.2, Mr. C. Kumar, submits that even on earlier occasions, notices were issued to the petitioner to take the necessary steps for preventing air and water pollution. By order dated 01.04.2017 and order dated 02.01.2019, such directions were issued, but both the orders seem to have on deaf ears. Therefore, an inspection was carried out on 15.02.2019 and 17.02.2019. According to the learned counsel, when certain deficiencies were noticed, they were duly recorded by the inspector in his report. Therefore, the respondent No.2 was justified in issuing the closure order dated 10.04.2019. As far as the representation is concerned, the learned counsel informs this court that the respondent No.2 shall consider

the same and, if necessary, carry out a further inspection to know the actual reality at the unit.

Heard the learned counsel for the parties.

Considering the fact that even on earlier occasion the Pollution Control Board had directed the petitioner to adhere to certain conditions, considering the fact that according to the inspection report dated 15.02.2019 and 17.02.2019, the petitioner's unit had not complied with the said directions, considering the fact that the unit was allegedly causing air and water pollution, the respondent No.2 was certainly justified in passing the closure order dated 10.04.2019.

However, considering the fact that the representation has been filed by the petitioner wherein the petitioner claims that it has stopped the air and water pollution in the unit, the respondent No.2 is duty bound to consider the said representation.

Therefore, this court directs the respondent No.2 to carry out a further inspection, if necessary, and to consider the petitioner's representation dated 12.04.2019 within a period of three weeks. The said representation shall be considered strictly in accordance with law.

With these directions, the writ petition stands disposed of.

The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAGHVENDRA SINGH CHAUHAN, ACJ

A. RAJASHEKER REDDY, J

Date: 16.04.2019

MRKR

