

CRM-M-21474 of 2009 (O&M)

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

CRM-M-21474 of 2009 (O&M)
Date of Decision: 11.04.2019

M/s Eldeco Infrastructure & Properties Ltd. and another

...Petitioners

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Sunish Bindlish, Advocate, and
Mr. Naman Jain, Advocate, for the petitioners.
Ms. Amrita Nagpal, Advocate,
for Mr. Lokesh Sinhal, Advocate, for HSPCB.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing complaint case No.2 dated 31.10.2008 titled as “Union of India, through Regional Officer, Haryana State Pollution Control Board, Panipat Region, Panipat v. M/s Eldeco Infrastructure & Properties Ltd., Sector-40, Panipat and others” filed by respondent No.2 under Sections 15 and 19 of the Environment Protection Act, 1986 read with Rule 5 (VII) of the Environment Protection Rules, and summoning order dated 12.11.2008 (Annexure P-17) along with all subsequent proceedings arising therefrom.

Learned counsel for the petitioners *inter alia* contends that before filing the impugned complaint, petitioners were already having Environment Clearance Certificate. Therefore, impugned complaint filed against the petitioner by the respondents is bad in law. Learned counsel

CRM-M-21474 of 2009 (O&M)

submits that similar issue has already been decided by this Court vide order dated 23.08.2011 passed in CRM-M-26803 of 2010. Therefore, instant petition may also be disposed of in same terms.

Learned counsel for the respondent has not disputed the above submissions.

Heard.

In view of above, impugned complaint case No.2 dated 31.10.2008 along with all subsequent proceedings arising therefrom is quashed. Petition is disposed of in terms of order dated 23.08.2011 passed in CRM-M-26803 of 2010.

April 11, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
---------------------------	--------

Whether Reportable	Yes/No
--------------------	--------