

CRM-M-22740 of 2010 (O&M)

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

CRM-M-22740 of 2010 (O&M)
Date of Decision: 11.04.2019

M/s Maksad Estate & Hardware Limited

...Petitioner

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 petitioner.
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.7 dated 07.11.2008 titled as “Union of India, Ministry of Environment & Forests through Sh. R.K. Sharma, Regional Officer, Haryana State Pollution Control Board, Sonapat Region, Sonapat v. M/s Maksad Estate & Hardware Limited (Eldeco Infrastructure & Properties Ltd., SU 12-13, Bhikaji Kama Place, Murthal, G.T. Road, Sonapat (Maksad Estate & Ors.)” under Section 15 of the Environment Protection Act read with Rule 5 (VII) of the Environment Protection Rules, and summoning order dated 07.11.2008 along with all subsequent proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that before filing the impugned complaint, petitioner was already having Environment Clearance Certificate. Therefore, impugned complaint filed

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against the petitioner by the respondents is bad in law. Learned counsel 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.7 dated 07.11.2008 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