

CRM-M-277 of 2010 (O&M)

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

CRM-M-277 of 2010 (O&M)
Date of Decision: 11.04.2019

Divine Paradise Luxury Apartments, Ganaur and others

...Petitioners

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Sandeep K. Sharma, 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.1 of 2009 (Annexure P-8) titled as “Union of India through Haryana State Pollution Control Board v. M/s Divine Paradise Luxury Apartments and others” filed by respondent No.2 under Section 15 of the Environment (Protection) Act read with Rule 5 (VII) of the Environment Protection Rules, and summoning order dated 05.02.2009 (Annexure P-9) 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 petitioners by the respondents is bad in law. Learned counsel submits that similar issue has already been decided by this Court vide order

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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.1 of 2009 (Annexure P-8) 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