

CRM-M-31056 of 2009 (O&M)

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

CRM-M-31056 of 2009 (O&M)
Date of Decision: 11.04.2019

M/s Omaxe Limited formerly known as Omaxe Construction Ltd./Omaxe Builders Private Limited and others

...Petitioners

Versus

Haryana State Pollution Control Board

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. Isha Goyal, Advocate, for the petitioners.
Ms. Amrita Nagpal, Advocate,
for Mr. Lokesh Sinhal, Advocate, for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing complaint case No.21 dated 09.01.2009 (Annexure P-5) titled as “Haryana State Pollution Control Board v. M/s Omaxe Ltd. and others” under Section 15 of the Environment Protection Act, and summoning order dated 10.08.2009 (Annexure P-6) 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 dated 23.08.2011 passed in CRM-M-26803 of 2010. Therefore, instant petition may also be disposed of in same terms.

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

Heard.

In view of above, impugned complaint case No.21 dated 09.01.2009 (Annexure P-5) 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