

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

Date of decision: 06.05.2019

1. CRM-M No.7750 of 2018 (O&M)

M/s Ardee Infrastructure Private Limited

....Petitioner

Versus

Haryana State Pollution Control Board and another

....Respondent

2. CRM-M No.7915 of 2018 (O&M)

M/s Ardee Infrastructure Private Limited

....Petitioner

Versus

Haryana State Pollution Control Board and another

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Rai, Sr. Advocate
with Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Advocate
for respondent No.1.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these second petitions is for quashing of complaint Nos.43 and 44 of 2009 dated 09.01.2009 filed under Section 15 of the Environment Protection Act (Annexure P1) as well as for setting-aside the summoning order dated 10.08.2009 (Annexure P5) and the order dated 21.12.2017 (Annexure P12) and all other subsequent proceedings arising therefrom.

While issuing notice of motion, counsel for the petitioner has restricted his argument to the extent that since the Revisional Court has dismissed the revision petition only on the ground that there is a delay of 61 days in filing the petition, the same may be remanded back to the Revisional Court for decision afresh on merits.

Learned Senior counsel for the petitioner has relied upon the order dated 11.12.2015 passed by this Court in CRM-M No.22858 of 2013, in which the first petition filed by the petitioner praying for quashing of the complaint as well as the summoning order was disposed of with a direction to the petitioner to file a revision before the Revisional Court within a period of 06 weeks from the date of passing of the order i.e. 11.12.2015. The petitioner filed the said revision petition after a delay of 61 days beyond 06 weeks time granted by this Court and that is why the Revisional Court has dismissed the revision petition holding that the same is time barred.

Since this is the second petition praying for quashing of the complaint as well as the summoning order dated 10.08.2009, as noticed above, learned Senior counsel for the petitioner restricts his argument limited to the extent that the case be remanded back to the Revisional Court for deciding the same on merits, in accordance with law.

Learned counsel for respondent No.1 as well as learned counsel for the State have opposed the submissions made by learned Senior counsel for the petitioner on the ground that the complaint is pending since 2009 and the summoning order was passed way back on 10.08.2009 and it was only in the year 2013 when the petitioner put in appearance and has filed the first petition i.e. CRM-M No.22858 of

2013 for quashing before this Court, which was disposed of vide order dated 11.12.2015 granting liberty to the petitioner to file a revision petition before the Revisional Court within a period of 06 weeks. It is further submitted that the delay in filing the revision petition is not *bona fide* and was rather intentional as the petitioner wanted to delay the proceedings in disposal of the case.

After hearing the learned counsel for the parties and considering the fact that vide order dated 10.12.2015, liberty was granted to the petitioner to file a revision petition within a period of 06 weeks from the date of the said order, however, the petitioner filed the revision petition before the Revisional Court after a delay of 61 days, thus, I deem it appropriate to condone the delay in filing the revision petition so that the petitioner be not condemn unheard and the Revisional Court may pass the order considering the merits of the case.

Accordingly, these petitions are allowed; the order dated 21.12.2017 (Annexure P12) passed by the Additional Sessions Judge, Faridabad is set-aside and the matter is remanded back to the Revisional Court to decide the same afresh on merits.

This will, however, be subject to payment of costs of Rs.1,00,000/- each (in both the petitions).

The costs will be deposited with the Haryana State Pollution Control Board within a period of 30 days from today, failing which these petitions will be deemed to be dismissed.

The parties through their counsels are directed to appear before the Revisional Court on 27.05.2019.

Considering the fact that this is a very old case, the

Revisional Court is directed to dispose of the same on merits within a period of 04 weeks thereafter.

Disposed of accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

06.05.2019
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No