

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.NOS.2387 AND 2392 OF 2020

COMMON ORDER (Per the Hon'ble Sri Justice P.Naveen Rao)

Since, the issue involved in both the writ petitions is one and the same, they are being disposed of by this common order.

For the sake of convenience, the prayer in W.P.No.2387 of 2020 is extracted as under for ready reference:

“To declare the operational guidelines issued by the Telangana State Pollution Control Board, the 2nd respondent, pursuant to the provisions of G.O.Ms.No.31 dated 24.05.2019, directing remittance to the corpus fund in the name of PBERF vide their Lr.No.NGT/PCB/RO/RCP/2019/497 dated 6-11-2019, at the rate of 0.5% of the previous year's annual turnover for remedial measures, in terms of the operational guidelines so framed, as being arbitrary, illegal and violative of Articles 14 and 19(1) and (g) of the Constitution of India and per contra to the judgment of National Green Tribunal rendered in O.A.No.69 of 2013 and batch and also subversive of the provisions of Water and Air Act and Rules framed thereunder and consequently, direct the respondents not to insist for contribution of 0.5% towards remediation in the interest of justice; and issue such other writ or order or direction as deemed fit and proper in the circumstances of the case.”

Learned counsel for the petitioners in both the writ petitions would submit that the *lis* involved in the present writ petitions is squarely covered by the common order passed by the Division Bench of this court in W.P.No.24986 of 2019 and batch dated 20.12.2019, and, therefore, seeks to pass similar order.

Heard Sri A.Sajeev Kumar, learned Special Government Pleader appearing for learned Additional Advocate General and Sri P.Shiva Kumar, learned Standing Counsel for Pollution Control Board. Both the counsel have not disputed the above submission of the learned counsel for the petitioner.

Considering identical set of facts and circumstances, on consent of the learned counsel, the Division Bench of this court, to which both of us are members, disposed of W.P.No.24986 of 2019 dated 20.12.2019, and the relevant portion of the common order reads as under:

“5. However, learned counsel for the petitioners also agreed for disposal of the writ petitions with a direction to the Pollution Control Board to consider the application submitted by their Association and the petitioners be permitted to make individual applications seeking to exempt them from levy of 1% of annual turnover and also payment of 0.5% of the previous year's annual turnover for remedial

measures and to consider their applications already submitted for expansion of production capacity and pass appropriate orders.

6. Recording the said submissions of the learned counsel for the petitioners and the learned Standing Counsel for the Pollution Control Board, these writ petitions are disposed of, permitting the petitioners to make individual applications within a period of one week from today. On receipt of such applications, if any, made within the above mentioned period, the respondent – Pollution Control Board shall consider the same along with the application filed by the Association within a period of four weeks thereafter. The respondent – Pollution Control Board also shall consider the applications of the petitioners to accord permission to expand their production capacity along with these applications. Till a decision is taken by the respondent – Pollution Control Board, it shall not take any coercive steps against the petitioners. No order as to costs.”

Having regard to the facts and circumstances and the submissions of the learned counsel, the present writ petitions are disposed of *mutatis mutandis* in terms of the above directions of this court in W.P.No.24986 of 2019 and batch dated 20.12.2019.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

P.NAVEEN RAO,J

DATE: 12—02—2020

AVS