

CRM-M-3685 of 2016

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

CRM-M-3685 of 2016
Date of Decision: 24.02.2020

M/s Blue Sapphire Health Cares Pvt. Ltd.

...Petitioner

Versus

Regional Officer, Faridabad Region

....Respondent

CRM-M-42182 of 2016 (O&M)

Anupam Pandey and another

...Petitioners

Versus

Regional Officer, Faridabad Region

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. V.K. Jindal, Sr. Advocate,
with Mr. Gopal Soni, Advocate, for the petitioner
in CRM-M-3685 of 2016.
Mr. S.S. Narula, Advocate, for the petitioner
in CRM-M-42182 of 2016.
Mr. Deepak Balyan, Advocate, for the respondent
in CRM-M-3685 of 2016.
Mr. Kuldeep Tiwari, Advocate, for the respondent
CRM-M-42182 of 2016.

RAMENDRA JAIN, J. (ORAL)

By this common order, I shall dispose of above-titled two petitions under Section 482 Cr.P.C. for quashing complaint (Annexure P-1), order dated 16.12.2010 (Annexure P-2), summoning the petitioners to face trial under Section 15 of the Environment Protection Act, 1986 (in short 'the Act').

For the sake of brevity, facts are being taken from CRM-M-3685 of 2016.

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Briefly, in a complaint (Annexure P-1) filed by respondent with allegations against the petitioners that they without obtaining necessary environment clearance from the Ministry of Environment and Forests, Government of India, in utter violation of notification of the Environment Impact Assessment of Development Projects dated 27.01.1994(Annexure C-7) amended vide notification dated 07.07.2004 (Annexure C-8) and further notification dated 14.09.2006 (Annexure C-9), started construction of medical institute in the name and style of M/s Blue Sapphire Health Care Pvt. Ltd.

Learned Magistrate after going through the contents of complaint (Annexure P-1) summoned petitioners vide order dated 16.12.2010 (Annexure P-2) to face trial.

Heard.

Undisputedly, petitioners were granted 'no objection certificate'/consent to establish a multi-specialty hospital building by Haryana State Pollution Control Board on 07.03.2008. All other formalities like obtaining 'no objection' from various other departments were also satisfied by the petitioners.

The alleged violation of non-obtaining environment clearance by the petitioners came to notice of the respondent only on 24.12.2009. Meaning thereby, respondent-claimant himself was sleeping in a great slumber for around 22 months w.e.f. 07.03.2008 i.e. starting date of violation till 24.12.2009, when respondent issued notice (Annexure R1/2) to the petitioners. There is no explanation on the file as to why he did not act vigilantly and noticed alleged violation of the petitioners promptly in the

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month of March, 2008 itself.

Respondent-complainant thereafter vide order dated 28.07.2010 (Annexure P-6) after noticing completion of construction by the petitioners, ratified the said violating by giving necessary environment clearance to the petitioners within approximately seven months from the date of issuance of notice (Annexure R1/2).

Five months thereafter, respondent-complainant filed complaint (Annexure P-1) against the petitioners for the same offence which was ratified vide order Annexure P-6. Thus, the petitioners were not liable to be prosecuted for several years by the respondent.

For alleged violation, learned counsel for the petitioners fairly and generously offered ₹20.00 lakh for the help of poor and needy patients. The petitioners are directed to deposit the aforesaid amount in “Ayushman Bharat Pradhan Mantri Jan Arogya Yojna”.

It is needless to mention here that most of the regulatory authorities like State Environment Impact Assessment Authority, Haryana etc. have not come upto their expectations. Otherwise pollution of every kind in this country could not have increased to such a great extent.

The Secretary, Ministry of Environment and Forest, Government of India, is directed to take appropriate action against the erring official/officer for sleeping in a great slumber for 22 months w.e.f. 07.03.2008 till 24.12.2010 in not noticing the alleged violation which was lateron ratified .

Since, the alleged violation of the petitioners was ratified, therefore, impugned complainant (Annexure P-1) is quashed.

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To come up on 27.04.2020 for production of receipt qua
deposit of aforesaid amount and awaiting the action taken.

Copy of this order be sent to Secretary, Ministry of
Environment and Forests, Government of India, New Delhi, for necessary
action.

February 24, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No