

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.16888 of 2020

Date of Decision:-13.10.2020

Bua Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. Kanwaljit Singh, Senior Advocate assisted by
Mr. Vipin Mahajan, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

*[The aforesaid presence is being recorded through video conferencing since
the proceedings are being conducted in virtual court]*

Petitioner is stated to be engaged in the operation of a Commercial Poultry Farm in the land owned by him measuring 2 Kanal comprised in Khasra No.7//20/1/1 (4-0), situated in village Naushera, Tehsil Dinanagar, District Gurdaspur since the year 1989. It transpires that due to increased activity and the consequent pollution, the environmental Authorities i.e. Punjab Pollution Control Board, Patiala issued Show Cause Notice dated 30.07.2020 (P-26) for refusal “consent to operate” under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974. The said notice has culminated into detailed impugned order dated 7.8.2020 (P-28) communicated to the

petitioner vide memo dated 11.08.2020 (P-9).

At the time of hearing, it is a conceded position that a statutory appeal against the impugned order (P-28) would lie before the Government/ Appellate Authority under the statutes concerned.

At the outset learned Counsel for the petitioner has prayed for an indulgence to condone the delay, if any, in filing the statutory appeal, which was required to be filed within 30 days, so as to have an adjudication on merits by the Appellate Authority.

Upon notice to this limited extent to the State of Punjab, Mr. Pankaj Gupta, Additional Advocate General, Punjab appears on behalf of the Government and very fairly concedes that in case the appeal, if not already filed, is now filed within next two weeks, the question of delay would not be raised and the appeal would be decided on merits.

In response to the fair stand of the State/Appellate Authority, through the learned Additional Advocate General, Punjab, learned Counsel for the petitioner prays for disposing of the present writ petition as not pressed with liberty to the petitioner to seek his remedy before the Appellate Authority in the light of the aforesaid stand of the State.

Ordered accordingly.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

October 13, 2020
Vinay

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