

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115

CWP-17086-2020

Date of Decision: 15.10.2020

M/s Ardee Infrastructure Private Ltd.

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MR. JUSTICE KARAMJIT SINGH.**

PRESENT: Mr. Rajeev Anand, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Addl. Advocate General, Haryana.

RAJAN GUPTA, J. (Oral)

Case has been heard through Video Conferencing on account of
COVID-19 Pandemic.

Petitioner is aggrieved against order dated 2.10.2020
(Annexure P-20) passed by respondent No.3. Operative part thereof reads
as under:-

“In view of the above stated facts, the consent under
Section 25 of the Water (Prevention & Control of
Pollution) Act, 1974 and under Section 21 of Air
(Prevention & Control of Pollution) Act, 1981 sought
vide your above referred application, is hereby refused
due to the above shortcomings incompleteness.

In future, your unit would be discharging effluent into
the atmosphere at your own risk in violation of the above
said Act and rendering yourself liable for legal action

under section 43/44 of the Water (Prevention & Control of Pollution) Act, 1974 and section 38/39 of Air (Prevention & Control of Pollution) Act, 1981.”

Admittedly, an appeal is maintainable against the aforesaid order. We, thus, proposed to grant liberty to the petitioner to approach the appellate authority along with his plea, if any, for stay of the order during the proceedings. In case such an appeal is filed within ten days from today, the appellate authority shall endeavour to decide the same at the earliest in any case not later than two months.

Till the date, appeal is filed, no coercive action shall be taken against the petitioner. It is clarified that the appellate authority shall be at liberty to consider the appeal as well as prayer, if any, for stay independently, on merits, thereafter.

Disposed of.

(RAJAN GUPTA)
JUDGE

October 15, 2020
gbs

(KARAMJIT SINGH)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No