

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 439 of 2021**

M/s Golchha Chemicals through its proprietor Shri Prakash Golchha, S/o Late Shri Kewal Chand Golchha, aged about 67 years, Address 64, Light Industrial Area, Bhilai, R/o 19/2, Nehur Nagar West, Bhilai, Tehsil and District Durg (C.G.)

---- Appellant

**Versus**

Chhattisgarh Pollution Control Board (earlier Madhya Pradesh Pollution Control Board) through Regional Officer, Office-5/32 Bangla, Bhilai, Tehsil and District Durg (C.G.)

---- Respondent

(Cause-title taken from Case Information System)

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| For Appellant  | : | Ms. Aditi Singhvi, Advocate.  |
| For Respondent | : | Mr. Animesh Tiwari, Advocate. |

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**Hon'ble Shri Arup Kumar Goswami, Chief Justice**

**Hon'ble Shri Justice N.K. Chandravanshi, Judge**

**Judgment on Board**

**Per Arup Kumar Goswami, Chief Justice**

**13.12.2021**

Heard Ms. Aditi Singhvi, learned counsel for the appellant. Also heard Mr. Animesh Tiwari, learned counsel appearing for the respondent.

2. This writ appeal is presented against an order dated 29.10.2021 passed by the learned Single Judge in Writ Petition (Cr.) No. 704 of 2021, dismissing the writ petition.

3. In a complaint case filed against the appellant by Chief Chemist and

Regional Officer in the year 1987 before the Court of Chief Judicial Magistrate, Durg, under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the appellant was convicted by an order dated 11.05.2000 which was affirmed in appeal by an order passed on 10.04.2001 by 5<sup>th</sup> Additional Sessions Judge, Durg. In Criminal Revision No. 149 of 2001, this Court, by an order dated 24.08.2012, remanded back the matter to the learned trial Court to consider the case afresh.

4. Once again, the appellant was convicted by an order dated 14.05.2018 and presently, an appeal being Criminal Appeal No. 98 of 2018 is pending consideration before the 8<sup>th</sup> Additional Sessions Judge, Durg.

5. While the matter stands at that stage, the petitioner instituted the writ petition to set aside and quash the proceedings in Criminal Appeal No. 98 of 2018 and also to quash the judgment dated 14.05.2018 passed by the Judicial Magistrate First Class, Durg in Criminal Complaint Case No. 2323 of 1987 on the ground that the complainant who had filed the complaint, was not authorized to file the complaint.

6. Taking note of the grievance raised, the learned Single Judge dismissed the writ petition opining that as the appeal is pending, the petitioner is entitled to raise all grounds available in law in the appeal.

7. We are in the complete agreement with the view taken by the learned Single Judge and therefore, this appeal is dismissed. No cost.

Sd/-  
(Arup Kumar Goswami)  
Chief Justice

Sd/-  
(N.K. Chandravanshi)  
Judge