

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE N. TUKARAMJI

W.P.Nos.19446, 19194, 19425, 20276, 20307 and 20385 of 2020

COMMON ORDER: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ petitions are arising out of the impugned show cause notices issued by the Telangana State Pollution Control Board, by which it has directed the petitioners/Industries to pay certain percentage of the annual turnover to the Corpus Fund.

The facts of the cases reveal that the National Green Tribunal, Southern Zone Bench, Chennai, vide judgment dated 24.10.2017 in Application No.90 of 2013 and batch, issued directions for payment of corpus fund of 1% of the annual turnover for expansion of industries and 0.5% of the annual turnover by the industries for restoration of the entire affected area and creation of Corpus Fund in the name of "Patancheru and Bollaram Environment Relief Fund". The impugned show cause notices have been issued pursuant to the aforesaid judgment.

A similar controversy arose in respect of M/s. Chromo Laboratories India Limited and M/s. Suven Pharmaceuticals Limited, having their units at Sangareddy District, Telangana. M/s. Chromo Laboratories India Limited and M/s. Suven Pharmaceuticals Limited were also issued show cause notices and orders were passed on 01.02.2021 directing them to contribute towards Corpus Fund and the companies, stating that they are having units in Sangareddy District and the judgment is not applicable to them, came up before this court by filing writ petitions i.e., W.P.Nos.4118 and 4143 of 2021. A Division Bench

of this court has passed an order dated 26.03.2021 in W.P.Nos.4118 and 4143 of 2021, which is reproduced as under:-

“1. The present petitions have been filed by the petitioners praying *inter alia* for declaring the action of the respondent No.2/Telangana State Pollution Control Board in demanding contribution to the corpus fund created by it, in terms of the orders dated 24.10.2017 passed by the National Green Tribunal, Southern Bench, Chennai in a batch of matters, as illegal and arbitrary.

2. At the outset, we have requested learned counsel for the petitioners to address this court on the maintainability of the present petitions when, even as per the impugned order dated 01.02.2021 passed by the respondent No.2/Telangana State Pollution Control Board, payment in the corpus fund is being called upon to be made by the concerned industries in terms of the order of the National Green Tribunal, Southern Bench, Chennai. In our opinion, if the petitioners are aggrieved by the aforesaid action of the respondent No.2/ Telangana State Pollution Control Board, its remedy lies before the National Green Tribunal. Instead, the petitioners are calling upon this court to interpret the order of the National Green Tribunal one way or the other, which is not permissible.

3. We decline to entertain the present petitions. The same are accordingly closed along with the pending applications, if any. It is for the petitioners to approach the National Green Tribunal for clarification of its order dated 24.10.2017 and/or to seek appropriate orders to the effect that they are not under any obligation to contribute to the corpus fund as directed to be created by the National Green Tribunal in terms of the order dated 24.10.2017.”

In the light of the aforesaid, the question of interference with the impugned show cause notices does not arise. The remedy lies before the National Green Tribunal as held by this court in other identical cases.

Resultantly, admission is declined. The writ petitions stand disposed of with liberty to the petitioners to approach the National Green Tribunal.

Pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

N. TUKARAMJI, J

07.12.2021
JSU