

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

CWP-9510 of 2021

Date of Decision : 06.05.2021

M/s Dynex Explosives

...Petitioner

Versus

State of Haryana and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Baljeet Beniwal, Advocate and
Mr. Alok Mittal, Advocate and
Mr. Arun Khatri, Advocate for the petitioners.

Mr. Sharad Aggarwal, AAG, Haryana.

Mr. D.S. Patwalia, Senior Advocate with
Mr. Rahul Garg, Advocate for respondent No.3
alongwith Mr. Rohit, Director L.R. (Energy).

Harsimran Singh Sethi, J. (Oral)

Though, in the present writ petition, grant of permission in favour of respondent No.3 for setting up a Solar Power Plant at Village Jhawri, Tehsil Tosham, District Bhiwani has been challenged but, learned Senior counsel appearing for the petitioner submits that the petitioner does not press this prayer, at this stage.

Learned Senior counsel appearing for the petitioner submits that a Committee was formed on 17.03.2021 by the respondent No.4 i.e.

Deputy Commissioner, Bhiwani to look into various objections, which

were being raised by the petitioner for setting up of Solar Power Plant by respondent No.3, which according to the petitioner can be dangerous to the public at large being too close to the place where the petitioner has stored explosive material. Learned Senior counsel for the petitioner further submits that the said committee constituted by respondent No.4 was also to associate the petitioner as well as respondent No.4 while inspecting the site before making recommendations and the inspection of the site was carried out by the committee so constituted by respondent No.4 on 31.03.2021 but, the report/recommendations of the said committee has not been given despite the expiry of one month, which is causing prejudice to the petitioner.

Notice of motion.

Mr. Sharad Aggarwal, AAG, Haryana accepts notice on behalf of respondents No.1,2 4 and 5 and Mr. Rohit Garg, Advocate accept notice on behalf of respondent No.3.

Learned State counsel submits that as per instructions received from Mr. Manish Phogat, SDO(C)-cum-SDM Tosham, District Bhiwani report/recommendations of the committee constituted by respondent No.4 could not be furnished due to the reason that one of the member of the committee was found positive for Covid-19 and, hence, was quarantined. Learned counsel for the respondent submits that as per instructions, the report/recommendations of the committee will be submitted to respondent No.4 within a period of four weeks from today.

Learned Senior counsel appearing for the petitioner submits that the statement of the learned State counsel satisfies the grievance of the petitioner, at this stage and he does not press the writ petition any further.

Learned Senior counsel appearing for respondent No.3 submits that respondent No.3 has also raised objections qua formation and jurisdiction of the committee so constituted by respondent No.4 before the respondent No.4, which objections are also pending as of now.

Be that as it may, this Court is not opining on the merits of the case, at this stage, and leave the question of objections raised by respondent No.3 open as of now to be decided by the competent authority in accordance with law by following due process as envisaged under law.

The petition stands disposed of.

May 06, 2021
aarti/sandeep

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No