

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

**CWP No. 10758 of 2021
Date of Decision: 04.6.2021**

M/S POM Hydro Energy Ltd. & Anr.

.....Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present : Mr. Amit Jhanji, Senior Advocate with
Mr. Himanshu Arora, Advocate,
Ms. Bina Gupta, Advocate,
for the petitioners.

Mr. Ankur Mittal, Additional A.G., Haryana.

None for the caveator.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):

The petitioners have assailed the notification dated 5.5.2021 (Annexure P-1), issued under Rule 77 of the Haryana Canal and Drainage Act, 1974, that postulates that canal for execution of work of re-modelling of augmentation canal from Hamida head to Picholia head will remain closed from 5.5.2021 to 30.6.2021, for repairs and other emergent works.

The petitioners are running two micro hydro projects at Khukhni and Mussapur and are using the canal water for generation of power. The limited grievance that they have is that owing to closure of the canal, their operations and business activities shall be severely impacted.

Mr. Ankur Mittal, learned Additional Advocate General, Haryana, submits that the matter is already being examined and he has been instructed to submit that in case the petitioners move the authorities qua their concerns and grievances, as set out in the petition, the same shall be considered and dealt with by the Additional Chief Secretary (Irrigation and W.S.), and appropriate orders, after affording an opportunity of hearing to all the stakeholders, shall be passed.

To this, learned senior counsel for the petitioners submits that let this petition be disposed of, in terms of the statement made by the learned Additional Advocate General, but the authorities be required to pass necessary orders within a specified time.

Accordingly, the petition is disposed of in terms of the statement of the learned State counsel, to enable the respondent authorities to examine and deal with the matter in the right earnest, and take an appropriate decision, preferably within 4 weeks from today. However, if any cause of action still survives, the petitioners shall be at liberty to avail the remedies, as shall be admissible in law.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party.

(ARUN PALLI)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

04.6.2021
AK Sharma

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No