

**MAT 845 of 2022
With
CAN 1 of 2022**

**West Bengal Pollution Control Board & Ors.
Vs.
M/s. Amit Metalliks Ltd. & Ors.**

Mr. Samrat Sen, AAAG
Ms. Sonal Sinha
Mr. Avhishek Prasad

... ... for the appellants

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Srijib Chakraborty
Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Mr. Pritam Ray

... ... for the respondent no.1

Mr. Anirban Ray, GP
Mr. Nilotpal Chatterjee

... ... for the State

This appeal is at the instance of the West Bengal Pollution Control Board challenging the interlocutory order of the learned Single Judge dated 30th May, 2022 in WPA 9695 of 2022 whereby the closure order dated 24th May, 2022 passed by the appellants has been stayed.

It has pointed out that the appellants had passed the order dated 24th May, 2022 directing that the electricity connection of the respondent no.1 herein (writ petitioner) will be disconnected and the closure of the respondent no.1 industry will take immediate effect.

Undisputedly, against such order appeal lies under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 28 of Water (Prevention and Control of Pollution) Act, 1974 but the respondent no.1 (writ petitioner) had approached this Court with the plea that the appellate authority was not available and

considering that plea and taking note of the fact that the disconnection of electricity had resulted in closure of the respondent's unit. Learned Single Judge by the order under appeal had stayed the order dated 24th May, 2022 for a limited period and granted liberty to the writ petitioner to approach the appellate authority.

Learned counsel for the appellants submits that the writ petitioner is ultimately required to approach the appellate authority, therefore, the appeal as well as the petition be disposed of by directing the writ petitioner to approach the appellate authority, if not already approached, and also issue a direction to the appellate authority to decide the appeal without any unnecessary delay. He has fairly agreed that till the appeal is decided interim order may continue but submitted that meanwhile, if a fresh cause of action arises then the appellants be granted liberty to take appropriate action.

Learned counsel for the respondent no.1 has no objection to the same and his only limited submission is that if the appellants go for inspection of the industry, they should give a notice.

To this also counsel for the appellants has no objection.

Hence, we dispose of this appeal as well as the writ petition directing the respondent no.1 (writ petitioner) to approach the appellate authority in accordance with law, if not already approached, as

expeditiously as possible, preferably within a period of one week from today.

On filing the said appeal the appellate authority will make every endeavour to decide the appeal as expeditiously as possible without granting any unnecessary adjournment.

If the appeal is already filed or is filed within the time granted by this Court, the interim order passed by this Court will continue to operate till the decision of the appeal.

It is made clear that in case any fresh cause of action arises then the appellants will be at liberty to take appropriate action in accordance with law after giving due notice to the respondent no.1 (writ petitioner).

The appeal and the connected application are disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)