

[143] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.223 of 2022

Date of Decision : 21.03.2022

Arya Industries

...Petitioner

Versus

Seema Jain, IAS, Secretary, Deptt. of Forests &
Wildlife Preservation, Govt. of Punjab and anotherRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Vipul Joshi, Advocate for the petitioner.
Mr. Ayush Sarna, AAG, Punjab

B.S. Walia, J. (Oral)

[1] Prayer in the instant petition is for initiating proceedings against the respondents for intentional and willful defiance of order (Annexure P-1) dated 23.09.2021 in CWP No.19128 of 2021.

[2] A perusal of order (Annexure P-1) dated 23.09.2021 reveals that CWP No.19128 of 2021 was disposed of by directing respondent No.2 to decide the claim of the petitioner as contained in legal notice dated 25.05.2021 by passing a speaking order within 03 months from the date of receipt of certified copy of the order.

[3] On the last date, reply was filed and learned AAG, Punjab contended that claim of the petitioner in the legal notice was for grant of permission for setting up of a food based industry but since guidelines issued by the State of Punjab in respect thereto had been stayed vide order dated 16.12.2019 in CWP-PIL-261-2019, a decision was taken by the Government of Punjab on 29.11.2021, to process applications for

Central Government. Thereafter claim of all applicants for start of wood based industry was considered by the competent authority by constituting a State Level Committee on 07.01.2022. However, decision on the application of the petitioner could not be taken on account of imposition of Model Code of Conduct on 08.01.2022 which was to end on 10.03.2022. In the circumstances, the learned AAG, Punjab requested for and was granted time to enable order dated 23.09.2021 in CWP No.19128 of 2021, to be complied with.

[4] Pursuant to order dated 03.03.2022, learned AAG, Punjab, has produced proceeding of the meeting of the State Level Committee for Wood Based Industries held on 14.03.2022 under the Chairmanship of Shri Parveen Kumra, IFS, Principal Chief Conservator of Forests (HoFF), Punjab. The aforementioned proceedings are taken on record. Relevant extract of the same is reproduced as under:-

*“Agenda Item No.1
Approval for New Units/Expansion:*

As on 11.03.2022 a total 10 applications have been received online. (3 case for new units 7 for expansion). These cases were recommended by the DFO through the CF level sub-committee and after obtaining necessary clearance from the Deputy Commissioner. All were placed before the SLC for approval.

The cases were examined by the concerned branch in view of various Court Cases and Guidelines issued by Government of India, MoEF&CC, 2016 and “the Punjab Regulation of Wood Based Industries Rules, 2019”. After a due deliberation, the SLC decided to approve the units as mentioned at serial No.1 of agenda circulated. Therefore, 3

cases for new registration/Licence (Wood consumption 31930 cu. mt) and 7 cases of Unit Expansion (Wood consumption 47200 cu. Mt) stands approved by the SLC as Annexure-II.

After factoring in the volume to be consumed by these approved units, the remaining available balance is 122682 cmt.”

[5] Copy thereof has been supplied to learned counsel for the petitioner, who states that in view of approval to the 03 cases for new registration / License (Wood consumption 31930 cu. mt) and 7 cases of Unit Expansion (Wood consumption 47200 cu. mt) having been approved by the SLC vide Annexure II attached to the said Agenda, orders dated 23.09.2021 i.e. Annexure P-1 in CWP No.19128 of 2021 have been complied with and in the circumstances, the petitioner is not interested in pursuing the instant petition and the same may be disposed of as such.

[7] I have considered the submission of learned counsel.

[8] Admittedly, orders (Annexure P-1) dated 23.09.2021 in CWP No.19128 of 2021 have been complied with vide Agenda Item No.1 in the meeting of State Level Committee held on 14.03.2022.

[9] Accordingly, in the light of the position noted above, as well as statement of learned counsel for the petitioner, the instant petition is *disposed of* as not calling for any action against the respondents under the Contempt of Courts Act, 1971.

[10] *Rule discharged.*

21.03.2022

‘Rajneesh’

(B.S. Walia)
Judge