

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

**CWP No.7249 of 2021 (O&M)
Date of Decision :24.05.2022**

M/s Rainbow Environments Pvt. Ltd.

.....Petitioner

Versus

Punjab Pollution Control Board and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. Alok Mittal, Advocate and
Mr. Shubham Thakur, Advocate for the petitioner.

Mr. Sunil Chadha, Sr. Advocate with
Mr. Akshay Chadha, Advocate and
Ms. Swati Verma, Advocate for respondent No.1.
Mr. Avinit Avasthi, AAG, Punjab.
Mr. Amit Jhanji, Sr. Advocate with
Mr. Shashank Shekhar Sharma, Advocate for respondent No.3.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

The petitioner (M/s Rainbow Environments Pvt. Ltd.) has
prayed for the following substantive reliefs:-

**“Civil Writ Petition under Article 226/227 of the
Constitution of India for the issuance of an appropriate
writ, order or direction especially a writ in the nature of
certiorari for quashing the impugned orders dated
22.02.2021 (Annexure P-13), impugned order dated
24.03.2021 (Annexure P-16) and impugned NOC/extension
(Annexure P-18) and restoring area of operation of the
petitioner as per consensus area of operation decided by all
stakeholders in April, 2009”**

In essence, the petitioner is aggrieved by an order dated 22.02.2021, vide which, the Punjab Pollution Control Board (Board) has distributed the area of operation amongst 6 Common Bio Medical Waste Treatment Facilities (CBMWTFs), in the State of Punjab.

The respondents, at the outset, have raised a preliminary objection as regards the maintainability of this petition, for against the orders dated 22.02.2021 and 24.03.2021, that are being assailed, a remedy of appeal is envisaged under Rule 16 of the Bio Medical Waste Management Rules, 2016.

Learned counsel for the petitioner concedes the availability of an alternate remedy under Rule 16 (*ibid*), and fairly submits that the petitioner be relegated to file an appeal against the impugned orders. He submits that the appeal shall be filed in the prescribed form within two weeks from today and till then the interim order passed by this Court on 26.03.2021, be kept in operation.

Learned counsel for the respondents are *ad idem* and plead no objection to the course, suggested by the learned counsel for the petitioner. However, they submit that the Appellate Authority (Principal Secretary to Government of Punjab, Department of Science and Technology and Environment) be directed that in the event any such appeal is filed, the same be decided within a specified time.

To this, learned Assistant Advocate General, Punjab, submits that the Appellate Authority shall decide the appeal, to be filed by the petitioner, within a period of three weeks from the date of its institution, after affording an opportunity of hearing to all the stakeholders.

In the wake of the statement made by learned counsel for the respective parties and taking the same on record, the petition is accordingly disposed of. The petitioner shall file an appeal before the appropriate Forum within two weeks from today.

The Appellate Authority shall make every possible endeavour to consider and decide the same, within a period of three weeks from the date it is filed. And, as agreed by the learned counsel for the parties, the interim order passed by this Court on 26.03.2021, shall remain operative for a period of two weeks from today or till the filing of the appeal, whichever is earlier. Whereafter, the petitioner shall be at liberty to renew its prayer for interim relief, before the appellate Authority itself, which shall consider and pass appropriate orders, after hearing all the stakeholders.

Needless to assert that this order shall not constitute an expression of opinion on the case of either of the parties.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.05.2022

Manoj Bhutani

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