

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-18684-CWP-2022 in/and
CWP No.16296 of 2022 (O&M)
Date of Decision: 24.11.2022

M/s Rainbow Environments Pvt. Ltd.

.....Petitioner

Versus

State of Punjab 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
Ms. Sanah Sahni, Advocate for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

Mr. G.S.Patwalia, Advocate for applicant-respondent No.2.

Mr. Amit Jhanji, Sr. Advocate with
Mr. Shashank Shekhar Sharma, Advocate for respondent No.3.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

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Application is allowed as prayed for and Annexure R-2, is taken
on record.

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Heard learned counsel for the parties on the question of
entertainability of this petition.

Though, there is no dispute about the fact that the impugned
order could be assailed before the National Green Tribunal, but learned
Senior counsel appearing for the petitioner submits that the respondents have
now issued a direction on 01.11.2022, to implement the impugned order, by

30.11.2022. He further submits that since this petition has been filed by the petitioner before this Court and is pending on the question of maintainability, therefore, the petitioner may be permitted to take up the proceedings before the National Green Tribunal. However, the respondent-authorities may be directed not to implement the impugned order for a period of 15 days from today to enable the petitioner to file an appropriate petition before the NGT, along with the application for stay.

Learned counsel appearing for the Board opposed the prayer of the petitioner for extension of date for not implementing the impugned order.

However, looking to the facts of the case, it is ordered that the authorities shall not enforce the impugned order (*ibid*) by 10.12.2022, enabling the petitioner to approach the NGT and take up the necessary proceedings. It is made clear that this Court has not expressed any opinion on the merits of the case and therefore, the NGT would be at liberty to examine the matter, taking all the facts into consideration, and thereafter, in its wisdom, either accept or reject the petition/prayer for stay.

In view of the above, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.11.2022
Manoj Bhutani

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