

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

**CWP No.21905 of 2020 (O&M)
Date of Decision :24.05.2022**

M/s Rainbow Environments Pvt. Ltd.Petitioner

Versus

Punjab Pollution Control Board and another 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. D.S.Patwalia, Sr. Advocate with
Mr. G.S.Patwalia and Mr. A.S.Chadha, Advocates
for respondent No.1.
Mr.Avinit Avasthi, AAG, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

The petitioner (M/s Rainbow Environments Pvt. Ltd.) has
paid 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 22.03.2019 (Annexure P-11) passed by the
respondent No.1 and impugned order dated 27.02.2020
(Annexure P-15) passed by the respondent No.2 and
restoring area of operation of the petitioner as per
consensus area of operation decided by all stakeholders
in April, 2009 and also to revert areas/business of the
Petitioner taken and given to it's competitors by
Respondent No.1 in 2019 and in 2011 and also to quash
the impugned advertisement by Respondent No.1 calling
for “Expression of Interest” for setting up of 2 Common
Bio Medical Waste Treatment Facilities in the State of
Punjab (Annexure P-16)”.**

Vide order dated 22.03.2019, the Punjab Pollution Control Board (for short 'the Board') redistributed the area for collection of Bio Medical Waste among 5 Common Bio Medical Waste Treatment Facilities (for short 'CBMWTFs') in the State of Punjab.

Petitioner, being aggrieved, assailed that order by way of appeal under Rule 16 of the Bio Medical Waste Management Rules, 2016 (for short '2016 Rules'). The Appellate Authority (Principal Secretary to Government of Punjab, Department of Science and Technology and Environment, Chandigarh), upon consideration of the matter, vide order dated 27.02.2020, set aside the said order. And remanded the matter to the Board to pass fresh orders, on coverage area allotted to CBMWTFs, quoting the enabling provisions of law as also the prevalent practice in the other States. The petitioner has assailed those two orders (ibid) in this petition. While issuing notice, this Court on 18.12.2020, had restrained the respondents to finalize the impugned expression of interest.

However, as the Appellate Authority had remitted the matter to the Board for re-consideration, vide order dated 22.02.2021, the Board has redistributed the area of operation amongst 6 CBMWTFs in the State. Aggrieved thereby, the petitioner filed another petition (**CWP No.7249 of 2021**), assailing the said order as also the minutes of the meeting dated 12.03.2021. And, as shall be expedient to point out here, for the petitioner in the said case had not availed the remedy of appeal under Rule 16 of 2016 Rules, vide order of an even date, the petitioner, in the other writ petition has been relegated to the statutory remedy of appeal. Further, as the orders assailed in **CWP No.7249 of 2021**, were passed by

the Board, pursuant to the order of remand dated 27.02.2020, which is under challenge in this petition, ex facie, nothing substantive survives in this petition. And the same is accordingly disposed of.

However, lest any prejudice is caused to the rights and interest of any of the parties, all the issues/pleas/questions raised by them are left open to be considered and decided, if necessary, by the Appellate Authority, in the appeal, to be filed by the petitioner.

And, as agreed by the learned counsel for the parties, the interim order dated 18.12.2020, shall be operative for a period of two weeks from today. Whereafter, the petitioner shall be at liberty to renew its prayer for an interim relief, before the Appellate Authority itself, by moving an application, which shall be considered and decided, in accordance with law, after hearing all the stakeholders.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.05.2022
Manoj Bhutani

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