

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
114**

CWP-24404-2022

Date of decision: 23.11.2022

M/S PRIME VISION INDUSTRIES PVT. LTD.

.....PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Gurminder Singh, Sr. Advocate
with Mr. R.P.S.Bara, Advocate,
for the petitioner.

Mr. Vinod Ghai, Advocate General, Punjab,
with Mr. Avinit Avashti, AAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In the present writ petition, the primary grievance of the petitioner is that despite a statutory appeal having been preferred by the petitioner on 26.05.2022 against the order of termination of the lease deed on 01.04.2022, the State has not fixed a date for consideration and decision thereon.

Another grievance, which has been highlighted, is that after the cancellation of the lease deed on 01.04.2022, which was in favour of the petitioner, the State has proceeded to carry out the mining operations in the block(s), which was assigned to the petitioner, without there being an Environmental Clearance Certificate in their favour.

Learned Advocate General, Punjab, on instructions from Sh. Manoj Bansal, Superintending Engineer/Head Quarters, Department of Water Resources and Mining, Punjab, has stated that the appeal, which has been preferred by the petitioner, would be decided by the Appellate Authority within a period of one week from today after hearing the petitioner.

Learned senior counsel for the petitioner states that the petitioner would appear before the Appellate Authority on 24.11.2022 at 3:00 P.M., which is the date and time already intimated to the Appellate Authority.

Learned Advocate General, Punjab, has stated that the mining operations in the block(s), which was allotted to the petitioner which is the subject matter of the present writ petition, has been stopped and there is no mining operation going on in the said block(s). He further states that the mining will not be carried out by the State till a decision is taken with regard to the transfer of Environmental Clearance Certificate in favour of the State, for which an application has already been moved before the State Environment Impact Assessment Authority, wherein notice has been issued to the petitioner as to why the application of the State should not be accepted. It has also been brought to the notice of the Court that the next date of consideration before the said authority is 30.11.2022.

Learned senior counsel for the petitioner states that prior to the said date, response to the said notice will be submitted by the petitioner before the State Environment Impact Assessment Authority.

In the light of the statement made by the learned senior counsel for the petitioner and keeping in view the fact that the matter is pending

before the State Environment Impact Assessment Authority with regard to the request of the State for transfer of Environmental Clearance Certificate, the State Environment Impact Assessment Authority is directed to take a decision on the said application within a period of seven days from the date which is already fixed before the said authority i.e. 30.11.2022.

The writ petition stands disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

23.11.2022
PJ

(VIKRAM AGGARWAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>