

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

CWP-6818-2023

Date of decision : 29.03.2023

M/s Malbros International Pvt. Ltd., Village Mansoorwal, Tehsil Zira,
District Ferozepur and another

.....Petitioners

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Ashok Aggarwal, Senior Advocate,
Mr. Chetan Mittal, Senior Advocate, with
Mr. Mukul Aggarwal, Advocate,
Mr. Shrenik Jain, Advocate,
Mr. Sandeep Goyal, Advocate,
Mr. Haripal, Advocate;
Mr. Himanshu Gupta, Advocate,
Mr. Ritvik Garg, Advocate, and
Ms. Vidisha Swarup, Advocate,
for the petitioners.

Mr. Aman Pal, Addl. Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

Learned Senior counsel for the petitioners, after arguing at length, submits that the appeal (P-27) under Section 28 of the Water (Prevention of Pollution) Act, 1974, filed by the petitioner before respondent No.2, is pending consideration and despite the requests by the petitioners, it is not being heard. Learned Senior counsel further submits that as far as the application for consent to operate the industrial unit under the Air (Prevention & Control of Pollution) Act, 1981, filed by the petitioner before respondent No.3 is concerned, the concerned authority has already heard the matter, but is not passing the final order.

Learned Additional Advocate General, Punjab, on advance copy, after having instructions from Shri Sumer Singh Gujar, Secretary, Science, Technology and Environment, Punjab, submits that the

authorities shall consider and decide both the aforesaid matters and while doing so, they shall consider the entire record, including the report of the Monitoring Committee, appointed by the National Green Tribunal, reports of the Central Pollution Control Board and the Punjab Pollution Control Board, and other documents available on record, and the petitioners may also be directed to place on record the aforesaid reports again, in case the authorities do not possess the same. Learned State counsel submits that the authorities shall consider all the aforesaid aspects and take a decision in the matter expeditiously in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner.

Taking the aforesaid statements of learned counsel for the parties on record and in terms thereof, the petition stands disposed of.

The application for consent to operate the industrial unit, wherein arguments have already been heard by respondent No.3, may be decided at the earliest, preferably within a period of two weeks, and the appeal pending before respondent No.2 may be decided expeditiously, preferably within a period of four weeks. It is made clear that this Court has not expressed any opinion on the merits of the case and, therefore, the authorities would be at liberty to take a decision in the matter by keeping all facts and facets into consideration.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 29, 2023
ndj

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