

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-12557-2023 (O&M)
Date of Decision:-05.07.2023

M/s Jyoti Bhatta Company

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

GURVINDER SINGH GILL, J.

1. The petitioner M/s Jyoti Bhatta Company seeks quashing of order dated 2.1.2008 (Annexure P-1) vide which the license issued to the petitioner for running Brick-Kiln has been cancelled by the Deputy Commissioner, Jhajjar. The petitioner also assails order dated 22/28.3.2023 (Annexure P-12) vide which an appeal filed by the petitioner challenging order dated 8.1.2008 has been dismissed.
2. Learned counsel for the petitioner submits that the petitioner pursuant to passing of order dated 2.1.2008 (Annexure P-1) had taken necessary steps for making his Brick-Kiln compliant with the prescribed standards as regards pollution etc. and as a matter of fact had spent an amount of Rs. 50 lacs by converting the Brick-Kiln from Natural Draft to High Draft/Zig-Zag technique with rectangular shape. It has further been submitted that the

license of some other Brick-Kilns in the area had been duly renewed but the said relief had been declined to the petitioner.

3. This Court has considered the aforesaid submissions and has also gone through the impugned orders.
4. It is worth noticing that while the order cancelling the license was passed on 2.1.2008 (Annexure P-1), the appeal challenging the said order was filed by the petitioner after about 15 years, although limitation prescribed is 30 days only. The Brick-Kiln in question falls within the area of National Capital Region wherein strict standards as regards pollution have been prescribed. The relevant extracts from the order dated 22/28.3.2023 (Annexure P-12) passed by the Appellate Authority are reproduced herein-under :-

“As per the record of the office, the brick kiln of the appellant license was upto 31.03.2002 and the license fee was deposited upto 31.03.2005, but the appellant has not taken the paper for renewal of 2005-06, 2006-07, the papers from different department has not been produced whereas the office of District Food and Civil Supplies Controller, Jhajjar vide letter No. IS-2005/1924 dated 01.07.2005 has written a letter to produce the relevant documents and to come in person. Notice was issued, but upto the relevant date, neither the owner of the brick kiln nor his representative has present in the office nor any reply has been given. The appellant has not supplied the relevant document for renewal of the license whereas the owner is to complete all the formalities for renewal of license, therefore, the appellant was given proper opportunity of completing the formalities and personal opportunity of hearing was given. The Deputy Commissioner-cum-Licensing Authority Jhajjar has cancelled the brick license on 03.01.2008. The brick kiln of the appellant is in Jhajjar which is in NCR area. Appellant has promised to deposit the relevant documents regarding National Green Tribunal/Environment Pollution (Prevention of Controller) Authority/Central Pollution Control Board/Haryana State Pollution Control Board from time to time. The directions and conditions is being imposed so that the State and Society

should not have the losses and the employment will also be there and the bricks can be available to the nearby resident.

The appellant has prayed that the money has been invested and number of labours are employed therefore, the delay be condoned and Deputy Commissioner-cum-Licensing Authority, Jhajjar order dated 19.12.2007 which is Sr. No.IS-2008/59-62 dated 08.01.2008 be set aside and the appeal be accepted.

The case has been duly perused and it was found that the brick kiln license was cancelled by Deputy Commissioner-cum-Licensing Authority, Jhajjar on 08.01.2008 and after 15 years on 19.01.2023, the appeal has been filed in the office of Director-cum-Appellate Authority whereas as per the Haryana Control of Bricks License Order 1972, the appellant can file an appeal within 30 days of cancellation of license before the Director-cum-Appellant Authority. The appellant has failed to do so. There is no reason to file the appeal and complete the formalities in 15 days.”

5. No valid reason is forthcoming so as to justify the delay of 15 years in filing the appeal, apart from the fact that the Brick-Kiln is situated in National Capital Region wherein strict standards have been prescribed as regards pollution.
6. This Court does not find any merit in the petition and the same is hereby dismissed.

05.07.2023

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No