

2023:PHHC:118834-DB

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

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CWP-19863-2023
Date of Decision : **September 11, 2023**

TALWANDI SABO POWER LTD.

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Chetan Mittal, Sr. Advocate assisted by
Mr. Kunal Mulwani, Advocate,
Mr. Vikas Thakur, Advocate and
Mr. Daksh Uppal, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab and
Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR. J.(Oral)

1. The writ land(s) are acquired by the State of Punjab for M/s Talwandi Sabo Power Limited, Village Banwala for enabling the latter to establish thereon a Thermal Power Unit. After completion of the statutory proceedings, as became launched under the Land Acquisition Act, 1894 (hereinafter referred to '**the Act of 1894**'), more especially after making an award in terms of Section 11 of the Act of 1894, thus the ownership of the acquired land became vested with the present petitioner.
2. Subsequently, as unfolded by Annexure P-3, the requisite change of land user, became granted to M/s Talwandi Sabo Power Limited, thus for installation of a thermal plant on the acquired land.

3. Thereafter, it appears that the present petitioner in terms of notification dated 31.12.2021 issued by the Government of India (Annexure P-7) especially in terms of the hereinafter extracted responsibilities becoming enjoined, upon, the thermal plant, to dispose of fly ash, as well as bottom ash, thus intended to engage itself in cement manufacturing, ready mixed concrete manufacturing activities either through a third party or on its own:-

A. Responsibilities of thermal power plants to dispose fly ash and bottom ash:-

- (1) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 per cent utilisation of ash (fly ash and bottom ash) generated by it in an eco-friendly manner as given in sub-paragraph (2);
- (2) The ash generated from coal or lignite based thermal power plants shall be utilised only for the following eco-friendly purposes, namely:-
 - (i) Fly ash based products viz. Bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;
 - (ii) Cement manufacturing, ready mix concrete;
 - (iii) Construction of road and fly over embankment, Ash and Geo-polymer based construction material;
 - (iv) Construction of dam;
 - (v) Filling up of low lying area;
 - (vi) Filling of mine voids;
 - (vii) Manufacturing of sintered or cold bonded ash aggregate;

- (viii) Agriculture in a controlled manner based on soil testing;
- (ix) Construction of shoreline protection structures in coastal districts;
- (x) Export of ash to other countries;
- (xi) Any other eco-friendly purpose as notified from time to time.”

4. In the above regard, an application was made for amendment of change of land user, permission, as became granted to the present petitioner, through including therein the above commercial activities to be carried on the acquired land, but as revealed by Annexure P-13, some objections were raised in respect of the asked for amendment being made in the CLU. It is also revealed by Clause 20 of the said objections, that for the requisite modification or alterations being granted to the initially issued CLU, thus for including therein, the above manufacturing activities, rather the petitioner becoming asked to access the Chief Town Planner, Punjab. Moreover, it is also spelt therein, that subsequent thereto, an application is also required to be filed before the Punjab State Electricity Regulatory Commission. However, no decision yet has been taken on either of the afore(s).

5. Therefore, the present petitioner would become obviously aggrieved, only when a decision adversial to the petitioner, is taken on the said motion(s), thus respectively by the Chief Town Planner, Government of Punjab, by the Director of Factories, Government of Punjab, and, or by the Punjab State Electricity Regulatory Commission. In consequence, the petition with the relief for amendment being caused

to the change of land user, as exists in Annexure P-3, is at this stage, thus completely pre-mature and thereby this Court at this stage is constrained to as such dispose of the instant writ petition.

6. Disposed of accordingly.
7. The decision by the competent authorities be ensured to be expeditiously taken, but strictly within the ambit of the relevant rules, instructions and guidelines issued from time to time by the Government of India and in terms of the relevant statutory provisions, as, embodied in the Punjab Regional and Town Planning and Development Act, 1995.

(SURESHWAR THAKUR)
JUDGE

September 11, 2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No