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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-61063-2022  
Decided on : 30.01.2023

Harish Chandra Wadhwa

..... Petitioner

Versus

Haryana State Pollution Control Board, Panchkula

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Neeraj Gaur, Advocate  
for the petitioner.

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**Manjari Nehru Kaul, J.(Oral)**

Prayer in the instant petition filed under Section 482 Cr.PC is for quashing the criminal complaint No.13 of 2022 dated 14.02.2022 (Annexure P-1) registered under Sections 43, 44 and 45-A r/w Section 47 of Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'the Act') for violation of Sections 24 and 25 of Water (Prevention and Control of Pollution) Act, 1974 and subsequent proceedings arising therefrom including the summoning order dated 16.03.2022 (Annexure P-2).

Learned counsel for the petitioner *inter alia* contends that the complaint dated 14.02.2022 (Annexure P-1) and the summoning order dated 16.03.2022 (Annexure P-2), on the face of it, is an abuse of process of law and thus, deserves to be quashed as on a perusal of the contents of the

impugned complaint, it is evident that there is no violation of Sections 24 and 25 of the Act. Learned counsel submits that while drawing the samples of the effluents allegedly discharged from the service station owned by the petitioner, provisions of Section 21 of the Act were violated as no notice was served upon him. Learned counsel further submits that even as per the Analysis Report (Annexure P-4), the particles of “Suspended Solid and B.O.D” were within the prescribed limits of 600 and 350 respectively. Hence, the Court below had gravely erred in taking cognizance and issuing summons to the petitioner.

Heard learned counsel and perused the relevant material available on record.

A perusal of the allegations levelled in the complaint dated 14.02.2022 reveals that at the time of inspection Mr. Gagan Wadhwa, who is a Manager/representative of the accused/occupier, was served notice of intention of the officer concerned to collect samples for analysis. Furthermore, the signatures of aforesaid Mr. Gagan Wadhwa were also obtained after drawing the samples. Hence, the submissions made by learned counsel for the petitioner qua non-compliance of the provisions of Section 21 of the Act is without any merit and deserves to be rejected.

Before proceeding further, it would be relevant to reproduce entry No.114 in Schedule-1 of the Environment (Protection) Rules, 1986 inserted by Ministry of Environment, Forest and Climate Change vide notification No.G.S.R. 952(E) dated 26.12.2019, which is as under:

| <i>Sr. No.</i> | <i>Industry</i>                                   | <i>Parameter</i>                                                          | <i>Standard</i> |
|----------------|---------------------------------------------------|---------------------------------------------------------------------------|-----------------|
| (1)            | (2)                                               | (3)                                                                       | (4)             |
| 114            | Automobile Service Station, Bus Depot or Workshop | Effluent Standard<br>(Concentration not to exceed, in mg/l except for pH) |                 |
|                |                                                   | Inland Surface water/land for irrigation/Public Sewer                     |                 |
|                |                                                   | pH                                                                        | 6.5-8.5         |
|                |                                                   | Total Suspended Solids                                                    | 50              |
|                |                                                   | Chemical Oxygen Demand                                                    | 150             |
|                |                                                   | Oil and Grease                                                            | 10              |

(Table I)

For facilitation of comparison, it would be relevant to reproduce the relevant portion of the Analysis Report of the concerned unit:

| <i>Sr. No.</i> | <i>Parameter</i>             | <i>From Untreated effluent going into sewer</i> | <i>Method of testing</i>                                                                                                                   |
|----------------|------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1              | Colour                       | Brownish                                        | As per relevant parts of IS:2488(Part-V) and Standard Methods for the Examination of water and waste water APHA (22 <sup>nd</sup> edition) |
| 2              | Odour                        | Bad                                             |                                                                                                                                            |
| 3              | pH Value                     | 7.2                                             |                                                                                                                                            |
| 4              | Conductivity µS/cm           | 3210                                            |                                                                                                                                            |
| 5              | Total Suspended Solids mg/l  | 284                                             |                                                                                                                                            |
| 6              | B.O.D. (3 Days at 27°C) mg/l | 95                                              |                                                                                                                                            |
| 7              | Chemical Oxygen Demand mg/l  | 464                                             |                                                                                                                                            |
| 8              | Oil & Grease mg/l            | 14                                              |                                                                                                                                            |

(Table II)

A perusal of the above two tables, leaves no manner of doubt that the items at serial No.5, 7 and 8 in Table II are much beyond the prescribed limit. Therefore, prima facie, provisions of Sections 23 and 24 of the Act have been violated and the Court below has, thus, rightly taken cognizance of the aforesaid offences.

In the facts and circumstances as enumerated hereinabove, this Court is not inclined to invoke its inherent jurisdiction under Section 482 Cr.PC to quash the criminal complaint dated 14.02.2022 (Annexure P-1) and set aside the summoning order dated 16.03.2022 (Annexure P-2).

Accordingly, the present petition being devoid of any merit stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)  
JUDGE

30.01.2023  
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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable :       | Yes/No |