

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1835 of 2024

M/s Bihar Waste Management Ltd. (A division of Re Sustainability formerly known as Ramky Enviro Engineers Ltd.) having its office at Plot No. 401, A and Khata No. 69, Mauza - Mahul, Tehsil - Koilwar, District Bhojpur, Bihar, PIN 802163, through its authorised representative namely Amit Kumar, aged about 43 years (Male), Son of Ramjanam Singh, Resident of House No.44, Harsh Vihar Colony, Near Sai mandir, Suryadeo Nagar, Phuphundi, P.O and P.S.- Saraidhela, District- Dhanbad, PIN-828127, State- Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through Member- cum- Chairman Board of Revenue, Government of Bihar.
2. The Chairman-cum-Member, Board of Revenue Bihar, Patna.
3. The Bihar State Pollution Control Board, Parivesh Bhawan, Patliputra Industrial Area, P.O.- Sadakat Ashram, Patna - 800010 through its Chairman.
4. The Chairman, The Bihar State Pollution Control Board, Parivesh Bhawan, Patliputra Industrial Area, P.O.- Sadakat Ashram, Patna - 800010.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr.Addl. Advocate General (3)
		Mr. Mankeshwar Tiwari, AC to AAG 3
For BSPC Board		Mr. Shivendra Kishore, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 07-02-2024 Heard the learned counsels for the parties.

2. This writ petition has been filed for seeking the following relief(s):

“a) For issuance of a writ of mandamus or in the nature of mandamus or any other order directing the Bihar State Pollution Control Board ("BSPCB") to grant CTO (Consent to Operate) work order/order to the petitioner company for the Common Hazardous Waste Collection, Treatment, Storage & Disposal Facility ("CHWTSDF")



established by the petitioner company at the site in question;

b) For issuance of a writ of mandamus or in the nature of mandamus or any other order directing the State of Bihar and BSPCB to allow the petitioner company to operate the CHWTSD facility at the site in question:

c) For issuance of a writ of mandamus, or in the nature of mandamus or any other order directing the Respondent State to pay the adequate environmental compensation for non-compliance of the provisions of HOWM Rules, 2016 as well as the directions issued by the Hon'ble NGT;

d) In the alternative, appropriate directions may kindly be issued to the Appellate Authority of State of Bihar constituted under the Air Act and Water Act to decide the Appeal No 06/2023 of the petitioner company judiciously and expeditiously in a time bound manner.”

3. Learned counsel appearing on behalf of the petitioner has stated that the petitioner has been granted provisional “NOC” for establishing the unit of Management vide Reference No. P/T4-014/12/37820 dated 23.12.2019 and subsequently, the very same authority has cancelled the said “NOC” vide Reference No. B-168 dated 16.01.2023 and thereafter, the petitioner has approached the appellate



authority. Learned counsel has stated that even though more than one year has been lapsed, the appellate authority till date has not decided the appeal filed by the petitioner. Therefore, the learned counsel seeks direction from this Hon'ble Court to direct the appellate authority to dispose of the appeal within fixed time framed.

4. Learned counsel appearing on behalf of the respondents has stated that they have no objection if a direction is given to the appellate authority to dispose of the appeal filed by the petitioner in accordance with law.

5. Having regard to the above made submission, the present writ petition is disposed of directing the appellate authority under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 to dispose of the Appeal No. 06 of 2023 preferred against the order dated 06.01.2023 passed by the Bihar State Pollution Control Board, Patna, preferably within a period of three months from the date of the receipt of a copy of this order.

6. It is needless to mention that before passing any order, the authorities concerned shall give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner.



7. Accordingly, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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