

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18576 of 2023

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M/s Naturals Dairy (P) Ltd. a company registered under the Companies Act, 1956 having its registered office at NS-11, Patliputra Industrial Area, P.S.- Patliputra, Town and District Patna, through its Managing Director Sri Hemant Kumar Das son of Late Sri Awadhesh Kumar Das, aged about 55 years, Gender Male, Resident of 504, White House, Block- A, Budha Marg, P.S.- Kotwali, Town and District Patna, Bihar.

... .. Petitioner/s

Versus

1. The Bihar State Pollution Control Board through its Chairman, Parivesh Bhawan, Plot No. NS- B/2, Paliputra Industrial Area, Patliputra, Patna.
2. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS- B/2, Paliputra Industrial Area, Patliputra, Patna.
3. The Member Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS- B/2, Paliputra Industrial Area, Patliputra, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal, Adv.
For the Respondent/s : Mr. Parijat Saurav

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-09-2024 Heard Mr. Sanjay Singh, learned Senior counsel for the petitioner duly assisted by Mr. Nikhil Kumar Agarwal as also Mr. Shivendra Kishore, learned Senior Counsel representing the Bihar State Pollution Control Board.

2. The present writ petition has been preferred for the grant of following relief/s:-

(i) To issue an appropriate writ(s)/ order(s)/ direction(s) in the nature of Certiorari quashing the order/direction dated 04.12.2023 as contained in letter reference no. 2579 dated 04.12.2023



*(received by the Petitioner on 06.12.2023)
(Anx-P/6) whereby and whereunder, in
purported exercise of power under Section
31-A of Air (Prevention and Control of
Pollution) Act, 1981, the Respondent No. 4
has directed the Petitioner to stop
production in the unit of the Petitioner and
to operate the same only for the purpose of
taking measure to switch to PNG/LPG and
to start production in the unit only after
switching to PNG/LNG.*

*(ii). To issue an appropriate
writ/order/direction in the nature of
Mandamus commanding the Respondents
not to take any coercive action against the
Petitioner's factory.*

*(iii). to issue an appropriate
writ/order/direction in the nature of
Mandamus commanding the Respondents to
conduct a thorough inspection, with regard
to the level of pollution being caused by the
Petitioner's factory, as per the provisions of
the aforementioned Acts before initiating any
action.*

*(iv). to issue an appropriate
writ/order/direction in the nature of
Mandamus declaring that the direction to
stop the operation of the factory is harsh and
unwarranted in the facts and circumstances
of the case.*



(v). to issue an appropriate writ/order/direction in the nature of Mandamus commanding the Respondent authorities to allow the Petitioner further time of six months to switch to PNG/CNG/LNG based boiler.

(vi). to stay the operation of the order dated 04.12.2023 (Annexure -P/6) till the final disposal of the present writ petition.

(vii). to any other relief(s) that the Petitioner is entitled to in the facts and circumstances of the case.

3. The petitioner is operating a factory in the capital at **NS-11, Patliputra Industrial Area, Patna**, which is running since the year 2008 and it is in the business of manufacturing of milk, ghee, paneer, ice-cream and other milk products having a production capacity of 8 lakhs liter milk in addition to the other items. Further, around 80 workers are engaged in it while fifty persons are employed, there are indirect employment to thousands of the farmers as also their family who supply their milk to the factory.

4. It is the case of the petitioner that after getting nod from the **Bihar State Control Pollution Board** (henceforth for short, **the Board**), it was smoothly functioning when the notice was sent to it vide letter no 1982 dated 04.10.2023 (Annexure-



P/3 to the petition) for proposed closure with a direction to under Section 31(a) of the AIR (Prevention and Control of Pollution) Act 1981 (henceforth for short, the Air Act) and further under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1972 (henceforth for short, the Water Act)

5. According to it, following the norms prescribed, it has to convert from furnished oil/coal to the PNG/CNG which is now available by the Gas Authority of India Limited in the Patliputra area.

6. It was replied on 13.10.2023 (Annexure-P/4 to the petition) and the contention was that they have taken it as top most priority and are committed to comply to the directions given as early as possible.

7. However, nothing happened and then came the letter no 2579 dated 4.12.2023 (Annexure-P/6 to this petition) by which the petitioner was directed to close the unit as no step has been taken in the matter by the said concern despite the repeated newspaper advertisement in the year 2022 and further some of the concerned have already switched to Cleaner fuel in the same Patliputra Industrial Area.

8. Learned counsel for the petitioner submits that the



said conversion needs huge investment, still they are trying their level best to come up to the expectation of 'the Control Board' but unless sometime is granted, the threat of damocles sword hanging over the head will ultimately result into closure of the unit and beside loss to the petitioner's firm, around 80 workers who are there in the unit as their also family members will be out of job.

9. Though from the document, it does not appear that pursuant to the first notice served upon the petitioner in October, 2023, it took immediate steps for the conversion, considering the bread and butter submission relating to 80 workers who are there as also their family members, certainly, if the petitioner has shown its due concern to convert into the CNG/PNG, a rope can be extended to it.

10. After much deliberation, the parties have come to an agreement that the petitioner will be taking immediate steps and will try to convert the unit into CNG/PNG in next six months.

11. Appreciating the stand of both the learned Senior Counsels who are representing the petitioner and the Bihar State Pollution Control Board, this Court deemed fit and proper to extend the period to next six months to the petitioner to act as



per the direction given by ‘**the Board**’.

12. It would be appropriate that the Bihar State Pollution Control Board as also the petitioner sit across the table so that the process gets speed up.

13. Needless to say, as this Court has granted six months period to the petitioner to convert the unit into CNG/PNG, any order which otherwise affects the concern shall be kept in abeyance for next six months and will revive if the petitioner fails to convert within six months.

14. The writ petition stands disposed of.

(Rajiv Roy, J)

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