

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118+222

2024:PHHC:028748-DB

CWP-667-2024 (O & M)
Date of Decision: 29.02.2024

Singla Ice Factory and another

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Prashant Bansal, Advocate,
for the petitioners.

Mr. Deepak Balyan, Addl. A.G., Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the various orders, show cause notice and the Closure Order dated 28.11.2023 (Annexure P-8).

2. On 13.02.2024, we passed the following order:-

“It is also pointed out that partly the directions issued under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 would be appealable under Section 16(c) before the National Green Tribunal under the 2010 Act. It is, however, pointed out that regarding the provisions of Section 31 of the Air (Prevention and Control of Pollution) Act, 1981, the appeal would lie before the appellate authority which has not been constituted.

Learned State counsel prays for and is granted time to file reply to CM-721-CWP-2024.

As prayed, adjourned to 29.02.2024.”

3. In similar circumstances, in **CWP-22727-2023, M/s. Sahil**

Enterprises and others vs. State of Haryana and others, decided on 08.02.2024,

we have already relegated the petitioner to his remedy before the National Green Tribunal

4. Faced with the above situation, counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to seek his remedy before the Appellate Authority namely the National Green Tribunal and the Appellate Authority to be re-constituted by the State since Mr. Balyan has made a statement that the Appellate Authority which will be dealing with the issue under Air (Prevention and Control of Pollution) Act, 1981 is likely to be re-constituted.

5. Ordered accordingly.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

29.02.2024
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(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No