

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

113

CRM-M-4186-2024

Date of Decision : November 22, 2024

M/S SANT BABA BHAG SINGH UNIVERSITY AND OTHERS

-PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.P. Dhir, Advocate
for the petitioners.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Amanpreet Singh, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition cast under Section 482 of the Cr.P.C., the petitioners strive for securing a favourable order from this Court, thus quashing the Complaint enclosed in Annexure P-1, as also the notice dated 10.05.2016 enclosed in Annexure P-2, along with all the consequent proceedings arising therefrom.

2. Short reply dated 08.05.2024, as furnished by the respondent No.2, on affidavit of Er. Jangir Singh, Assistant Environmental Engineer, Punjab Pollution Control Board, Regional Office-1, Jalandhar, is taken on record.

3. Succinctly stated, the complaint enclosed in Annexure P-1 has been filed by the respondent No.2 against the petitioners (an educational institution/officer bearers thereof), under Sections 43/44/47 of

the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the 'Act of 1974') read with Sections 24/25/26 of the Act of 1974. The cause for institution of the complaint (Annexure P-1) is embedded in non adherence to the provisions of the Act of 1974 by the petitioners.

4. What emerges to the fore from a perusal of the record available before this Court, is that, post the institution of the complaint (Annexure P-1), when the petitioners made compliance of the shortcomings observed by the Punjab Pollution Control Board concerned, they were granted the "Consent to Operate" their Institution under the Act of 1974, which is valid w.e.f. 19.05.2023 to 31.03.2027. Moreover, it also surges forth from the reply furnished by the respondent No.2 that, the Punjab Pollution Control Board concerned has, in order to encourage the defaulters to comply with the provisions of the environmental laws, framed a policy not to pursue such cases, wherein, compliance of the provisions of the Act of 1974 has been made by the defaulters. The relevant paragraph of the short reply is reproduced hereunder:-

"7) That the Board is having a policy not to pursue such cases in which compliance of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 have been made by the defaulter of pollution. In view of the facts that the University have made compliance of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, it was advised by the Board to file an application of discharge before the trial Court. After verification of the facts of the case and the compliance of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Board will make a Statement before the trial Court

for not pursuing the case further. This policy has been made by the Board to encourage the defaulters of pollution to comply with the provisions of the Environmental Laws, otherwise no ground is made out to withdraw the complaint case, which was filed after observing violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974.”

5. In view of the stand taken by the respondent No.2 in its short reply (supra), coupled with the fact that, the learned counsel for the respondent No.2 has made a submission before this Court that, they are ready to make an affirmative statement in respect of the averments made in the hereinabove extracted paragraph before the learned trial Court concerned, therefore, at this stage, this Court deems it appropriate to relegate the parties to the learned trial Court concerned for claiming the apposite relief(s). However, the respondent No.2 shall abide by the submission/undertaking (supra) purveyed today to this Court.

6. The instant petition is disposed of accordingly.

November 22, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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