

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

210

2024.PHHC:143644-DB



CWP-15962-2021

Date of decision: 05.11.2024

M/S JBR TECHNOLOGIES PRIVATE LIMITED

..Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Aalok Jagga, Advocate
Mr. Harkirat S. Jagdev, Advocate
for the petitioner.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Ms. Anu Pal, Advocate
for respondent No.2-Board.

* * * *

SHEEL NAGU, C.J. (Oral)

1. The challenge in the present petition, which is pending since 2021, is to the order of Punjab Pollution Control Board (in short 'Board') passed on 16.07.2021 vide Annexure P-14, directing the petitioner to comply with certain terms and conditions mentioned therein or else petitioner would be compelled to pay the environment compensation to the tune of Rs.1,05,15,000/-.

2. Initially, this Court is of the view that the petitioner ought to approach the National Green Tribunal for enumeration of his grievance, however, looking to the fact that this petition is pending since 2021 and the only ground raised herein is that while passing Annexure P-14 and P-15, opportunity of being heard was not afforded to the petitioner, it would be

appropriate to adjudicate the same on said issue.

3. Though, the impugned orders (Annexure P-14 & P-15) reveal that several opportunities have been given to the petitioner but the last notice was given on 14.07.2021, which was just 2 days prior to the impugned order passed on 16.07.2021 and 19.07.2021, respectively, and therefore, it is apparent that due and sufficient opportunity of being heard was not afforded.

4. The aforesaid facts and allegations were not denied by learned counsel for respondent-Board.

5. In view of above, this Court relegates the petitioner to the Board, which shall grant one last opportunity of being heard to the petitioner while issuing a show cause notice of at least 15 days from the date of receipt of the said notice and thereafter, pass an appropriate order in accordance with law as expeditiously as possible preferably with a period of 30 days, whereafter, the petitioner can avail the appropriate remedy available to him under the Water (Prevention and Control of Pollution) Act, 1974 or before the National Green Tribunal.

6. In view of above, the impugned orders (Annexure P-14 & P-15) stand quashed.

7. The amount of compensation already deposited by the petitioner shall remain subject to final order, which will be passed by the Board pursuant to this order.

8. Accordingly, the present petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

November 05th, 2024

Ayub

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No