



(119)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-27491-2024 (O&M)

Date of decision:- 15.10.2024

M/s SCL Healthcare Pvt. Ltd. (Accord Superspeciality Hospital)
through its authorized representative Krishan Tyagi.

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

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

Present:- Dr. Pankaj Nanhera, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India,
with Mr. Ashish Rawal, Advocate,
for respondent No. 1.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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SHEEL NAGU, C.J. (ORAL)

1. This petition has been filed by the petitioner praying for a writ of mandamus directing respondent No. 6 to decide the application dated 18.04.2024 (Annexure P-7) preferred by the petitioner for additional construction in the hospital run by the petitioner.

2. The facts in short reveal that against refusal of consent to operate the hospital issued by respondent No. 3 – Haryana State Pollution Control Board under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 on 12.08.2024 vide



Annexure P-2, an appeal has been preferred by the petitioner to the Appellate Authority.

3. During pendency of the appeal, the Appellate Authority has passed the following interim order on 30.09.2024 which reads thus:-

“The respondent will file the reply on or before that date and in the meanwhile, shall not obstruct the functioning of the appellant or initiate any further action against it, including imposition of Environment Compensation. The appellant shall be at liberty to approach the State Expert Appraisal Committee (SEAC)/State Environment Impact Assessment Authority (SEIAA), Haryana or avail any other remedy available to it regarding the pending application seeking grant of Environment Clearance for additional construction in the hospital.”

4. The grievance of the petitioner is that the application filed for seeking ‘environmental clearance certificate’ for having carried out additional construction in the hospital was moved before respondent No. 6 on 18.04.2024, which is not being decided due to pendency of the appeal before the State Environment Impact Assessment Authority (SEIAA).

5. Learned counsel for the petitioner drawing the attention of this Court to the interim order dated 30.09.2024 submits that liberty has already been extended by the Appellate Authority to avail the remedy in law available to the petitioner for additional construction in the hospital and, therefore, the pendency of the appeal or the passing of the interim order on 30.09.2024 should not come in way of decision on the application for permission to carry out additional construction in the hospital.

6. Be that as it may, this Court without interfering into the merits of the case disposes of this petition with a direction to SEIAA to consider and decide the application filed by the petitioner on 18.04.2024 in accordance with law as expeditiously as possible, preferably, within a period of thirty days after



keeping in mind the office memorandum F. No. 22-21/2020-IA.III dated 07.07.2021 issued by the Ministry of Environment, Forest and Climate Change Impact Assessment Division, Government of India.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

15.10.2024
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No