



(108 to 140 & 148 to 163)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-28003-2024 (O&M)
Date of decision:- 18.10.2024

M/s Bhavtik Steel Rolling Mills and others
...Petitioner(s)
Versus

Punjab Pollution Control Board and another
...Respondent(s)

CWP-28004-2024 (O&M)

M/s Ambey Industries
...Petitioner(s)
Versus

Punjab Pollution Control Board and another
...Respondent(s)

CWP-28006-2024 (O&M)

M/s AC Steel Industries
...Petitioner(s)
Versus

Punjab Pollution Control Board and another
...Respondent(s)

CWP-28007-2024 (O&M)

M/s Vinayak Steel Rolling Mills
...Petitioner(s)
Versus

Punjab Pollution Control Board and another
...Respondent(s)

CWP-28008-2024 (O&M)

M/s Nisha Steel Rolling Mills
...Petitioner(s)
Versus

Punjab Pollution Control Board and another
...Respondent(s)



CWP-28009-2024 (O&M)

M/s Panesar Steel Industries
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28010-2024 (O&M)

M/s Ajanta Steel Corporation
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28011-2024 (O&M)

M/s Rajesh Steel Industries
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28017-2024 (O&M)

M/s Shree Shyam Steel Industries
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28019-2024 (O&M)

M/s Bansal Steel Fabricators
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28020-2024 (O&M)

M/s Malhotra Industries
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)



CWP-28022-2024 (O&M)

M/s Shree Ambika Alloys
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28024-2024 (O&M)

M/s MM Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28025-2024 (O&M)

M/s Raghunath Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28034-2024 (O&M)

M/s Shree Ganesh Alloys and Metals
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28035-2024 (O&M)

M/s Aditya Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28036-2024 (O&M)

M/s Alwar Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)



CWP-28037-2024 (O&M)

M/s Kohinoor Ispat Udyog
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28040-2024 (O&M)

M/s Shanker Steel Industries
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28042-2024 (O&M)

M/s Data Udyog
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28043-2024 (O&M)

M/s Ravindera Steel Corporation
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28045-2024 (O&M)

M/s Shree Steel Industry
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28046-2024 (O&M)

M/s Hans Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)



CWP-28048-2024 (O&M)

Sharda Alloys Pvt. Ltd.
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28049-2024 (O&M)

M/s Khanna Metals Pvt. Ltd.
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28050-2024 (O&M)

M/s Chehal Udhyog
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28052-2024 (O&M)

M/s Ananya Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28053-2024 (O&M)

M/s Rehal Industrial Corporation
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28056-2024 (O&M)

M/s Shree Ganesh Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)



CWP-28057-2024 (O&M)

M/s Amar Alloys Earlier Saraswati Steels RE Rolling Mills

...Petitioner(s)

Versus

Punjab Pollution Control Board and another

...Respondent(s)

CWP-28059-2024 (O&M)

M/s A.K. Steels

...Petitioner(s)

Versus

Punjab Pollution Control Board and another

...Respondent(s)

CWP-28060-2024 (O&M)

M/s Trivini Puri Jee Steel Rolling Mills

...Petitioner(s)

Versus

Punjab Pollution Control Board and another

...Respondent(s)

CWP-28066-2024 (O&M)

M/s K.S. Steel Rolling Mills

...Petitioner(s)

Versus

Punjab Pollution Control Board

...Respondent(s)

CWP-28087-2024 (O&M)

M/s Shri Ram Jain Steel Rolling Mills

...Petitioner(s)

Versus

Punjab Pollution Control Board and another

...Respondent(s)

CWP-28091-2024 (O&M)

M/s Sangam Steel Industries

...Petitioner(s)

Versus

Punjab Pollution Control Board and another

...Respondent(s)



CWP-28096-2024 (O&M)

M/s Prayag Steels Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-28099-2024 (O&M)

M/s Sai Ram Re-Rolling Pvt. Ltd.
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27712-2024 (O&M)

M/s United Iron and Steel Re-Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27713-2024 (O&M)

M/s R.K. Plate and Re Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27719-2024 (O&M)

M/s Ashok Steel Industries
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27722-2024 (O&M)

M/s Bopa Rai Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)



CWP-27725-2024 (O&M)

M/s B.S. Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27727-2024 (O&M)

M/s Mehak Steel Industries
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27728-2024 (O&M)

M/s Deepak Iron and Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27735-2024 (O&M)

M/s Quality Steels
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27779-2024 (O&M)

M/s Ekam Steel Industries
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27782-2024 (O&M)

M/s Punjab Agro and Steel Rolling Mills
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)



CWP-27800-2024 (O&M)

M/s Parveen Alloys
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

CWP-27805-2024 (O&M)

M/s J.S. Steel and Agro Industries
...Petitioner(s)
Versus
Punjab Pollution Control Board and another
...Respondent(s)

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

Present:- Mr. Chouhan Satvinder Singh Sisodia, Advocate,
Ms. Savita Sisodia, Advocate,
Ms. Shivani Sahni, Advocate,
Mr. Shivek Thakur, Advocate,
Mr. Somil Chowdhary, Advocate,
for the petitioners.

Ms. Harpriya Khaneka, Advocate,
for respondent No. 1.

Ms. Promila Nain, Senior Panel Counsel (Union of India),
with Ms. Harveen Mehta, Advocate,
for respondent No. 2.

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SHEEL NAGU, C.J. (ORAL)

1. All these petitions have been filed against separate show cause notices, whereby, the Punjab Pollution Control Board (in short 'Board') has found that all the petitioners-Units have failed to comply with the conditions of consent to operate granted to them under the Water (Prevention and Control of Pollution) Act, 1974 (in short '1974 Act') and the Air (Prevention and Control of Pollution) Act, 1981 (in short '1981 Act') and also that the industries are operating their units under the said Acts without having valid



consents of the Board to operate and are also not complying with the State Fuel Policy by using conventional fuel instead of Compressed Natural Gas (CNG) and Petroleum Natural Gas (PNG) in terms of the directions passed by the National Green Tribunal (NGT) on 22.02.2024 in ***OA No.295 of 2023, titled Dimpal Kumar Vs. State of Punjab.***

2. None of the petitioners has filed reply to the said show cause notices and have rushed to this Court by contending that the same suffer from jurisdictional defect. It is contended that the petitioners in fact are not using conventional fuel. However, during the course of arguments, learned counsel for petitioners has admitted that the conventional fuel has been used but only out of compulsion since Compressed Natural Gas (CNG) and Petroleum Natural Gas (PNG) are not made available.

3. In the considered opinion of this Court, this by itself is a disputed question of fact and does not indicate any want of jurisdiction in issuing show cause notice.

4. The remedy before the petitioners is to file reply to the show cause notices and thereafter, if an adverse order is passed by the Board then to file an appeal, if not already filed, under Section 31 of the 1981 Act before the Appellate Authority created by the State and thereafter, the petitioners can always visit the National Green Tribunal (NGT).

5. Learned counsel for the petitioners has also relied upon an interim order dated 15.01.2021 passed by this Court in CWP-948-2021 titled ***Think Gas Ludhiana Pvt. Ltd. Vs Punjab Pollution Control Board*** (Annexure P-9) which according to learned counsel for the petitioners was passed in favour of the petitioner therein who was attended with similar



circumstances as faced by the petitioners herein. This Court is afraid, that an interim order has no precedential value and, therefore, cannot be relied upon.

6. In view of the above and this Court having not found any jurisdictional defect in the show cause notices, all these petitions stand disposed of without commenting upon the merits of the case while extending liberty to the petitioners to avail the remedy of appeal before the Appellate Authority and thereafter before the National Green Tribunal (NGT).

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

18.10.2024
Amodh Sharma

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