

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

105

2024:PHHC:022189-DB

CWP-25147-2023

Date of Decision: 16.02.2024

M/s. Lindstrom Services Pvt. Ltd.

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Jitender Dhanda, Advocate,
for the petitioner.

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 order dated 05.10.2023 (Annexure P-11) passed by respondent No.2 wherein, environmental compensation to the tune of Rs.11,71,875/- has been assessed.

2. The case of the petitioner is that on an earlier occasion, in pursuance of the same inspection report dated 15.12.2018, the amount had been assessed at Rs.14,45,313/- on 15.01.2021 (Annexure P-7). On account of a revised policy as such, the petitioner approached this Court in CWP-3823-2021 in which directions have been issued that in case the petitioner approaches the Authority and files the application for redetermination of the same as per the revised modified policies, the authority would consider the same and decide it after giving opportunity of hearing. It is in pursuance of the earlier directions, the present order has been passed.

benefit for the period of about 4 months from 18.01.2019 to 13.05.2019 since the sample was taken on 15.12.2018 and a show cause notice had been issued to him on 05.01.2019 (Annexure P-1). He had made a request of re-sampling on 18.01.2019 (Annexure P-2). The re-sampling request submitted by the Regional Officer to the Head Officer had only been done on 14.05.2019 and, therefore, he seeks the benefit of exemption for this period on account of the delay on the part of the respondent-authority. It is the case of the petitioner that in similar circumstances, the Board has deducted the time taken on this account and, therefore, the said benefit should be granted to it also.

4. Mr. Deepak Balyan, Addl. A.G., Haryana, on account of having advance copies, puts in appearance.

5. Apparently, after passing of the order, the petitioner has not approached the respondents to bring out the deficiency which is now stated, on the basis of which its financial liability is liable to be reduced. Faced with this situation, counsel for the petitioner submits that he may be permitted to withdraw the present writ petition with liberty to approach the respondents for redressal of its grievances.

6. Accordingly, we permit the said course of action. The writ petition stands dismissed as withdrawn. In case the petitioner files a representation within a period of 2 weeks from today, the respondents will consider the same and pass a speaking order keeping in view the observations made above. In case the benefit is to be granted, the amount of environmental compensation will be re-assessed accordingly. In case the same is to be denied to the petitioner, the respondents shall be free to pass a reasoned order rejecting the case of the petitioner. It is made clear that for the intervening period, the issue of delay as such would not come in the way of the petitioner in case it wishes to challenge the rejection at a

7. Disposed of with the abovesaid observations.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

16.02.2024

(VIKAS SURI)
JUDGE

shivani

Whether reasoned/speaking

Yes

Whether reportable

No