

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 30241 of 2024

Date of decision: 07.11.2024

Saurabh Gupta

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Kshitij Sharma, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

Having argued the matter at length, learned counsel for the petitioner submits that, in essence, grievance of the petitioner is against the order/letter dated October 29, 2024 (P-23), vide which, the Punjab Pollution Control Board (Board) has revoked the consent to operate, granted under the Water (Prevention & Control of Pollution) Act, 1974. And, also the cancellation of consent to operate, granted under the Air (Prevention and Control of Pollution) Act of 1981 (P-24). It is urged that apparently, both these orders (*ibid*) are palpably erroneous and unsustainable, for the same were passed without issuing any show cause notice or opportunity of hearing to the petitioner. Further, what form basis of the said orders is the communication dated October 14, 2024 (P-19) issued by the Department of Town and Country Planning, Punjab, which in turn is based on notification dated October 18, 2018 (P-17/A), which has no bearing on the matter in issue. Be that as it may, he submits, for the orders (*ibid*) passed by the Board are appealable under Section 28 and 31 of the Acts, respectively, he be permitted to withdraw the petition, to enable the petitioner to approach the Appellate Authority. However, it is urged that the matter being time sensitive, in the event the petitioner moves the Appellate Authority today itself, a direction be issued to the Appellate Authority to consider and decide the same within a specified time.

Served with the advance copy of the petition, Ms. Harpriya

Khaneka, learned Deputy Advocate General, Punjab, for the respondents, is

present in Court. At the outset, she, on instructions, submits that if any such appeal is preferred, the same shall be taken cognizance of by the Appellate Authority, and appropriate orders, in accordance with law, shall be passed. And, the petitioner is at liberty to rake up all possible pleas, as set out in the petition, before the Appellate Authority, which shall be dealt with.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, this petition is accordingly disposed of.

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, assigning reasons in support thereof, as expeditiously as possible.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

07.11.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No