

CWP-30747-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-30747-2024
Date of decision:- 14.11.2024

M/s Data Udyog & ors.

Versus

...Petitioner(s)

State of Punjab and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Gauravjit S. Patwalia, Advocate
Ms. Lagan Kaur Sidhu, Advocate,
for the petitioners.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Ms. Harpriya Khaneka, Advocate
for respondent No.2.

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SHEEL NAGU, C.J. (ORAL)

Challenge in this petition is to Annexures P-10 to P-16; different orders passed by the Punjab Pollution Control Board in respect of all the petitioners.

This is the second round of litigation after exhausting the first one in shape of CWP-28003-2024 and connected petitions where this Court declined to interfere on merits and relegated the petitioners to avail the remedy before the Appellate Authority and thereafter, before the National Green Tribunal. In the first round of litigation, the show cause notice was challenged on various grounds including that of jurisdictional error.

The Board has now taken a decision vide Annexures P-10 to P-16 and learned Senior counsel for the petitioners raises various issues including that on merits as well as the jurisdictional issues.

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This Court is of the considered view that the issues of jurisdiction as well as merits can be taken up by the Appellate Authority under Section 31 (1) of the Air Act, 1981.

Learned Senior counsel for the petitioners expresses anxiety on account of the fact that the Rolling Mills of the petitioners may suffer shut down in the near future in case of non-compliance of the impugned order(s).

The petitioners are always free to seek prayer for interim relief before the Appellate Authority and this Court has no manner of doubt that if any such application is filed then the same shall be considered prior to consideration of matter on merits by the Appellate Authority under Section 31 of the Air Act.

With the aforesaid liberty and observations, the present petition is disposed of without commenting on merits.

(SHEEL NAGU)
CHIEF JUSTICE

14.11.2024
monika

(ALOK JAIN)
JUDGE

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