IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 11922 of 2025

Decided on 24th July, 2025

Ajay Ohri

…Petitioner

Versus

Union of India and others

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

[1]Whether approved for reporting?

For the petitioner: **Mr. Deepak Kaushal, Senior Advocate, with Mr. Abhishek Verma, Advocate.**

For the respondents: **Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.1.**

Mr. Pushpinder Jaswal, Additional Advocate General, for respondents No.2 to 4.

Ajay Mohan Goel, Judge *(Oral)*

By way of this writ petition, the petitioner has prayed for the following reliefs:-

a) *"Issue a writ of certiorari or any other appropriate writ, order or direction quashing the condition imposed in the Environment Clearance requiring the petitioner to deposit Rs.4.00 lakhs per hectare under CER;*

b) *Declare that the OM dated 1st May 2018 (Annexure P-2) is not applicable to individual mining leaseholders who are not companies under the Companies Act, 2013."*

2. The condition that has been assailed by the petitioner exists in the environment clearance that was granted to the project activity of the petitioner in terms of Annexure P-1, dated 24.06.2023. The impugned condition is at Page 26 of the paper book, which reads as under:-

> *"The capital cost (@Rs.4.00 lacs per sha.) under CER, shall be deposited in the form of Demand Draft to the office of Director (DEST), GOHP. The Director (DEST) shall device a plan for this purpose within one month for that area in consultation with project proponent. As per the request received from the project proponent, instead of depositing of the full amount, CER cost may be divided into installments."*

3. Learned Senior Counsel for the petitioner submitted that the impugned condition is per se bad, as it is not in consonance with the office memorandum dated 01.05.2018. However, on a query put to the learned Senior Counsel as to why the petitioner is approaching the Court after a delay of two years, no satisfactory explanation could be given. It is a matter of record that the environment clearance was given to the petitioner by the Ministry of Environment, Forest and Climate Change, in terms of Annexure P-1 dated 24.06.2023. This writ petition has been filed on 22.07.2025, i.e. after more than two

years and one month. It is not the case of the petitioner that the condition impugned was not appended with communication dated 24.06.2023 or it was later on imposed. This means that this condition was already there when the environment clearance was issued to the petitioner and he was aware of the same. He acquiesced to the same and now after two years, the petitioner is estopped from challenging the same.

4. At this stage, learned counsel submits that the petition has been filed by the petitioner now because, cause of action has arisen now, as he intends to undertake the mining activities now and it is now that the petitioner shall have to deposit the money. The Court does not agree with the submissions made by learned Senior Counsel for the petitioner. The cause of action accrued when communication dated 24.06.2023 was issued and in case the petitioner was really aggrieved by the terms thereof, he should have approached the Court within some reasonable time. Approaching the Court against a condition imposed in communication dated 24.06.2023 after a gap of more than two years and one month cannot be within said to be reasonable time.

5. Therefore, as the petition is hit by delay and laches, the same is dismissed. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

July 24, 2025
(Vinod)