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CWP-2279-2020 (O&M)

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

**CWP-2279-2020 (O&M)
Date of Decision: 30.01.2025**

M/S SANT ENTERPRISES

.. Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

..Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Gaurav Chopra, Sr. Advocate with
Ms. Gauri C. Kaushal, Advocate for the petitioner.

Mr. Saurav Khurana, Addl. A.G., Punjab.

Mr. Rakesh Roy, Advocate for
Mr. Abhilaksh Gaind, Advocate
for respondent No.2.

...

SHEEL NAGU, CHIEF JUSTICE, (ORAL)

1. The grievance of the petitioner, which is a firm operating a stone crusher, is against Annexure P-14 dated 16.10.2019, which is a show cause notice.

2. After hearing the learned counsel for rival parties, this Court is of a considered view that since a challenge is to the show cause notice, the petitioner should respond to the same under the relevant provisions and wait for the final verdict.

3. The only objection raised by the learned counsel for the petitioner is that a reading of the penultimate paragraph of the said impugned show cause (Annexure P-14) gives an impression that the



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authority concerned has already taken a decision which is evident from the following observations:

“And whereas, the matter has been considered by the competent authority of the Board, and it has been decided to revoke the consent to establish (NOC) from pollution angle under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 granted to the industry after affording an opportunity of show cause along with personal hearing.”

4. The apprehension thus expressed by learned senior counsel for the petitioner appears to be correct and therefore, this Court disposes of this petition with direction to the competent authority i.e. Punjab Pollution Control Board-respondent No.2, to afford a fresh opportunity to the petitioner to file a response to the said show cause notice (Annexure P-14) and after considering the same, decide the matter by passing a speaking order without being influenced by the aforesaid observations which give an impression that the competent authority has already taken a decision.

5. Let the aforesaid exercise be completed within two months.

6. The present petition stands disposed of.

7. Pending applications, if any, shall also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

30.01.2025

Jasmine Kaur

(SUMEET GOEL)
JUDGE