



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

CWP-18070-2025

Date of decision : 04.07.2025

M/s Shankar Batha Gram Udyog Mandal, Village Mohangarh (Chhapra),
Tehsil and District Jind

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Ms. Divya Sharma, Senior Panel Counsel, UOI,
for respondents No.4 and 5.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner, who is a brick kiln proprietor and claims to have changed from conventional fuel of coal to agricultural/biomass fuel sometime in the year 2021, refers to various observations made by the National Green Tribunal in its order dated 17.02.2021 (Annexure P-2) and the Apex Court vide order dated 13.05.2022 (Annexure P-3), to contend that since the petitioner uses safer and pollution free source of fuel for operating the brick kiln, it should be allowed to operate the brick kiln beyond four months, i.e. beyond June 30, every year.



2. After having heard learned counsel for the rival parties and having perused the documents annexed with the petition, in particular letter dated 15.11.2023 (Annexure P-9), it appears that the Haryana State Pollution Control Board, in respect of the petitioner, had considered the said aspect of permitting or not the use of biomass briquettes and agriculture residue beyond the period prescribed and decided thus :

“After considering the above referred orders, Committee was of the view that Brick Kiln with biomass briquettes & agriculture residue as fuel cannot be allowed to operate beyond 30.06.2023 as HSPCB has no preview to deal with said issues and unit may approach Hon’ble NGT/CAQM/MOEF as per legal provisions.

Further, you are also asked to convey the decision of the committee to the unit along with the intimation about the order dated 13.05.2022 (copy enclosed) wherein Supreme Court has already mentioned about the agriculture residue used in brick kilns and time granted upto 30.06.2023 in NCR area.”

3. Learned counsel, however, contends that the said decision has never been communicated to the petitioner and also that the said decision cannot be treated as decision of the State Board.

4. After having minutely examined the communication dated 15.11.2023 (Annexure P-9), it is obvious that Committee of the State Board had taken a decision that request of the petitioner for operating brick kiln beyond 30.06.2023 cannot be allowed.

4.1 The decision taken is certainly adverse to the interest of the petitioner. The said decision is clearly a decision taken under the Air (Prevention and Control of Pollution) Act, 1981, where under Section 31 (“Air



Act”, for brevity) orders passed by the State Board are appealable before the Appellate Authority and thereafter before the NGT.

4.2 This Court is not equipped with expertise in respect of field of environment, for which a specialized Tribunal has been constituted the National Green Tribunal Act, 2010, which needs to be approached by the petitioner.

5. Accordingly, this Court, declining interference, at the very outset relegates the petitioner to avail the remedy of appeal under Section 31 of the Air Act, which if availed within a period of 30 days from today along with a copy of this order, shall be considered and decided expeditiously on its own merits, without being dismissed on limitation alone.

6. Petition stands disposed of with aforesaid liberty.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

July 04, 2025
narotam

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