



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

126

CWP-19777-2025 (O&M)
DATE OF DECISION : 24th July, 2025

M/s Tabi Creations Pvt. Ltd. Petitioner
Versus
The District Magistrate, Sonipat and others Respondents

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

* * *

Present : Mr.Siddharth Batra, Advocate (through VC)
Mr.Abhinav Sood, Advocate
Ms.Archana Yadav, Advocate, and
Ms.Anmol Gupta, Advocate
for the petitioner.

Mr.Deepak Balyan, Additional
Advocate General, Haryana.

* * *

SHEEL NAGU, CJ. (Oral)

1. The challenge in this petition filed under Article 226 of the Constitution of India, is to the order dated 28.05.2025 (Annexure P-2) by which the appeal preferred by the petitioner Company before the Chairperson, Haryana Water Resources Authority, under Regulation 12(1) of the Haryana Water Resources (Conservation, Regulation and Management) Authority (Conduct of Business) Regulations, 2021 (*hereinafter for short 'Regulations of 2021'*), against the order dated 20.03.2025 (Annexure P-1) passed by the District Magistrate, Sonipat, was dismissed as not maintainable.

2. Learned counsel for the petitioner has taken us to the provisions of the Haryana Water Resources (Conservation, Regulation



and Management) Authority Act, 2020 (*hereinafter for short 'Act of 2020'*) and the Regulations of 2021 (Annexure P-3).

2.1 Section 2(a) of the Act of 2020 defines 'Authority' as follows:-

“(a) “Authority” means the Haryana Water Resources (Conservation, Regulation and Management) Authority established under Section 3;”

2.2 Section 3 of the Act of 2020 provides that the Authority shall be a body corporate, which shall comprise of 'Chairperson and four Members'.

2.3 On the other hand in the Regulations of 2021, Clause 12(1) provides for remedy of appeal, by any person aggrieved of an order passed by the Authority under Regulation 8, before the Chairperson of the Authority.

2.4 The Regulations of 2021 further provide in Regulation 8(5) that the Authority may appoint or authorize any officer to conduct any inquiry including field inspections in the suo moto proceedings or in any other appropriate cases and to submit report to the Authority.

2.5 The District Magistrate, Sonipat is the officer authorized under Clause 8(5) (*vide Annexure P-41*) for implementation of orders passed by the National Green Tribunal in OA No.32 of 2020 titled 'Varun vs. Central Pollution Control Board & ors.'

3. A doubt is created during the arguments, that once the District Magistrate, Sonipat has exercised the delegated powers under Clause 8(5) of Regulations of 2021, then can an appeal lie under Clause



12(2) before the Chairperson of the Authority, who is part and parcel of the Authority.

4. A close scrutiny of the Regulations of 2021 reveals that the delegation of power in favour of the District Magistrate, Sonipat was made by the “Authority” and not by the Chairperson alone. Since the Authority comprises of ‘Chairperson’ and four more ‘Members’, thus, an appeal arising from the exercise of the delegated powers under Clause 8(5) can very well be filed and considered by the Chairperson of the Authority under Clause 12(2).

5. The impugned order dated 28.05.2025 (Annexure P-2) reveals that the only reason assigned by the Appellate Authority to dismiss the appeal is that the environmental compensation, which was assailed by the petitioner in appeal, had been imposed by the District Magistrate, Sonipat, while exercising delegated power under Regulation 8(5), in compliance of the orders passed by the National Green Tribunal in Execution Application No.30 of 2023 in OA No.32 of 2022 titled as ‘Varun vs. Central Pollution Control Board and others’.

5.1 The aforesaid reason cannot be accepted in the eyes of law and, thus, cannot oust the jurisdiction of the Appellate Authority. The reason is not far to see. The delegator under Clause 8(5) is the “Authority” and not merely the “Chairperson”. Merely, because the “Authority” comprises of ‘Chairperson’, it would not equate the “Authority” with “Chairperson”. These two expressions are distinct and recognized as such by the Regulations of 2021. Thus, it cannot be said that the District Magistrate, Sonipat while passing order 20.03.2025



(Annexure P-1) by exercising delegated power under Clause 8(5), render the appeal to Chairperson nugatory just because Chairperson is ‘one of the Members’ of the “Authority”.

6. In view of the above, this Court has no manner of doubt that the impugned order dated 28.05.2025 (Annexure P-2) passed by the Appellate Authority i.e. the Chairperson while exercising the power under Regulation 12(2) of the Regulations of 2021, cannot be sustained.

6.1 Accordingly, the impugned order dated 28.05.2025 (Annexure P-2) is set aside and the matter is remanded to the Appellate Authority i.e. the Chairperson of the Haryana Water Resources Authority, who shall consider the matter on merits after taking into consideration relevant orders passed by the National Green Tribunal, as expeditiously as possible, preferably within two months of the receipt of copy of this order.

7. This petition stands disposed of accordingly.

**(SHEEL NAGU)
CHIEF JUSTICE**

24th July, 2025
‘gian’

**(SANJIV BERRY)
JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>