



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

**CWP-26208 of 2025
Date of decision: 05.09.2025**

M/S BPTP LTD.

....Petitioner

V/S

UNION OF INDIA AND OTHERS

... Respondents

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

Present:- Mr. Hemant Saini, Advocate (Arguing Counsel) and
Ms. Neha, Advocate for the Petitioner.
Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Ashish Rawal, Senior Panel Counsel
for respondent No. 1-UOI.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present petition assails the final order dated 28.04.2025 (Annexure P-8) passed by the Haryana Water Resources Authority (HWRA for brevity), whereby directions were issued to Deputy Commissioner, Gurugram, to seize the borewells as well as reported sump wells at the site of petitioner pending issuance of 'No Objection Certificate' (NOC) by the Haryana Water Resources Authority. Challenge is further laid to consequential order dated 27.06.2025 (Annexure P-9), whereby Environmental Compensation has been imposed upon petitioner to the tune of Rs.2,11,95,216/- (**Rupees Two Crore Eleven Lakh Ninety Five Thousand two Hundred and Sixteen Only**).

2. The genesis of the entire dispute arises from an order dated 03.10.2024 (Annexure P-5) passed by National Green Tribunal, Principal Bench, New Delhi (for short 'NGT'), whereby the NGT, New Delhi, on the basis of the Joint Committee report dated 07.11.2023, noticed that the petitioner was indulging in dewatering activities despite the 'NOC' not having been verified



during inspection, carried out in the absence of petitioner. As such, the NGT observed that the HWRA is vested with the authority to take coercive steps and impose Environmental Compensation.

3. It is pertinent to point out that as early as on 09.11.2023 vide Annexure P-10, the petitioner had applied for 'NOC' and the same was still pending and under consideration.

4. Pursuant to the directions of NGT, New Delhi, the Haryana Water Resources Authority issued a Show Cause Notice dated 04.03.2025 (Annexure P-6), granting 15 days to the petitioner to response. The petitioner submitted response on 04.04.2025 (Annexure P-7), wherein it was inter alia, informed that the application seeking 'NOC' was pending.

5. However, the said response did not find favour with the Authority and the impugned order dated 28.04.2025 (Annexure P-8) was passed by HWRA mentioned supra alongwith imposition of Environmental Compensation vide Annexure P-9 to the tune of Rs.2,11,95,216/- (**Rupees Two Crore Eleven Lakh Ninety Five Thousand two Hundred and Sixteen Only**).

6. From the aforesaid factual details, it is obvious that although the HWRA was found by NGT to be vested with the jurisdiction to seize and impose Environmental Compensation, but such powers could have been exercised only after affording due and sufficient opportunity to the petitioner.

7. The petitioner was categorised as one of the defaulters, but, neither the petitioner seems to have been informed about the inspection carried out by the Joint committee, nor there was any fresh inspection by the HWRA to assess the actual ground reality. Moreover, the Show Cause Notice dated 04.03.2025 (Annexure P-6) also found that there were seven (7) tube-wells in the complex of the petitioner, which need to be sealed, if 'NOC' is not obtained.



8. The 'NOC' had been sought by the petitioner vide an application submitted as early as 09.11.2023(Annexure P-10).

9. From the aforesaid, it is clear that the Show Cause Notice and the consequential action of seizure and imposition of Environmental damages vide Annexure P-8 and Annexure P-9 were issued/taken under the mis-conception that the petitioner had not applied for 'NOC'.

10. In view of above and the fact that no inspection was carried out by the HWRA, which ought to have been done before causing an action entailing adverse consequences upon the petitioner, this Court by a writ of certiorari quashes the order dated 28.04.2025 (Annexure P-8) passed by the HWRA as well as letter dated 27.06.2025 (Annexure P-9), with liberty to the HWRA to afford due and sufficient opportunity to the petitioner by carrying out physical inspection at the site of petitioner, in the presence of petitioner or its authorized representative, which has been agreed to by the rival parties to be conducted on 11.09.2025 at 11.00 A.M.

10.1 It is made clear that in case the representative of the petitioner is present or not present at the said date and time, then no further opportunity would be given to the petitioner and the HWRA shall be free to proceed with the matter, in accordance with law, by passing final order within 30 days thereafter.

11. With the aforesaid directions, present petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

05.09.2025

Kamal Gandhi

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