



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

CWP-31956-2024

Date of decision : 28.01.2025

M/s Tilak Hospital, Dhangu Road, Pathankot
Versus

.....Petitioner

State of Punjab and others

.....Respondents

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

Present: Mr. R.S. Manhas, Advocate, for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

Ms. Harpriya Khaneka, Advocate, for respondent No.2.

Mr. Anurag Chopra, Advocate, for respondent No.3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. Challenge in this petition is to the order dated 09.05.2024 (Annexure P-9) passed by the Appellate Authority under Rule 16 of the Bio Medical Waste Management Rules, 2016, rejecting the appeal preferred by the petitioner against the orders dated 23.02.2024 (Annexure P-5) and 27.03.2024 (Annexure P-6) passed by the Punjab Pollution Control Board.

2. The aforesaid Rules of 2016 have been framed by invoking the powers under Sections 6, 8 and 25 of the Environment (Protection) Act, 1986, one of the enactments referred to in Schedule I of the National Green Tribunal Act, 2010 (in short 'the NGT Act').

3. More so, the issues involved in the impugned order in this case relate exclusively to environment.



4. This Court is of the considered view that the appropriate remedy available to the petitioner is to challenge the impugned order dated 09.05.2024 before the National Green Tribunal under Section 14 of the NGT Act.
5. Moreover, learned counsel for the State of Punjab has drawn our attention to a judgment dated 22.11.2021 rendered by a Coordinate Bench of the High Court of Kerala at Ernakulam in WA No. 1290 of 2021, titled **Kerala Private Hospitals Association Vs. Indian Medical Association Goes Eco-Friendly (IMAGE) and others**, upholding the order of the learned Single Judge relegating the petitioner to avail the remedy before the National Green Tribunal under similar kind of cause.
6. Accordingly, the petitioner is at liberty to approach the National Green Tribunal.
7. With the aforesaid liberty, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

January 28, 2025
narotam

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