

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18780 of 2024

M/S Utkarsh Sfatik Limited, Mall Office, City Centre, patna, Opposite Fire Station, Buddh Marg, Lodipur, Patna-800001 through its authorized Representative Saurabh Kashyap, Male, aged about 32 Years, S/o Ravindra Kumar Singh, R/o Nungalow No. 57B, New Quarter, Bhowra, Dhanbad, P.S. Bhowra, District-Dhanbad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Environment, Forest and Climate Change Department, Govt. of Bihar, Patna.
2. The Bihar State Pollution Control Board, Patna through its Chairman.
3. The Chairman, Bihar State Pollution Control Board, Patna.
4. The Member-Secretary, Bihar State Pollution Control Board, Patna.
5. Suresh Agrawal, Son of Late Banarsi Lal, Resident of Flat No. A 301, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
6. Rajnesh Bajaj, Son of Om Prakash Bajaj, Owner of Flat No. 1601, The Residency, City Centre Mall, Lodhipur, Patna 800001 and presently residing at 505, Pushpanjali Venkatesh Apartment near Land Development Bank, Patna-8000001.
7. Nikhil Anand, Son of Arun Kumar, Flat No. A803, The Residency, City Centre Mall, Lodhipur, Patna-800001.
8. Sanjay Boobna, Son of Late Shyam Kumar Boobna, resident of Flat No. 601, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
9. Murari Lal Kamalia, Son of Late Satyanarayan Prasad Kamalia, resident of Flat No. A-701, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
10. Smit Sourabh, Son of Shambhu Nath Prasad, Resident of Flat No. A-0901. The Residency, City Centr Mall, Lodhipur, Patna - 800001.
11. Shekhar Kumar, Son of Shri Krishna Kumar Singhania, resident of Flat No. A -201, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
12. Kaushik Agrawal, Son of Dilip Kumar Agarwal, Resident of Flat No. 404, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
13. Poddar Mayur, Son of Purushottam Das Poddar, Resident of Flat A - 205, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
14. Saurav Mittal, Son of Ajay Mittal, Resident of Flat No. A -105, The Residency, City Centre Mall, Lodhipur, Patna-800001.
15. Ravi Kumar, Son of Sitaram Rajgudhiya, Resident of Flat No. A - 605, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
16. Surendra Kedia, Son of Shri Mahavir Prasad Kedia, Resident of Flat-A-0003, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
17. Vikas Kasera, Son of Late Vishnu Kumar, Resident of Flat-A-402, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
18. Raj Kumar More, Son of Nand Lal More, Resident of Flat No. A-604, The



Residency, City Centre Mall, Lodhipur, Patna - 800001.

- 19. Sanjay Kumar Mohanka, Son of Late Kashi Lal Mohanka, Resident of Flat No- A-501, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
- 20. Priyadarshi Puneet, Son of Bishwanath Agrawal Resident of Flat No. A-204, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
- 21. Arvind Kumar, Son of Bajrang Lal Dalmia, Resident of Flat No. A-1401, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
- 22. Anjani Banka, son of Narayan Prasad Banka, Resident of Flat No. A-203, The Residency, City Centre Mall, Lodhipur, Patna-800001.
- 23. Anjani Kumari, Wife of Chandra Bhushan, Resident of Flat No. A-401, The Residency, City Centre Mall, Lodhipur, Patna-800001.
- 24. Digambar Prasad, Son of Seema Prasad, Resident of Flat No-A-1305, The Residency, City Centre Mall, Lodhipur, Patna-800001.
- 25. Chinta Jain, Son of Nayan Chandra Jain, Resident of Flat No-A-0004 and B-101, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
- 26. Saurav Tikmani, Son of Nayan Chandra Jain, Resident of Flat No -B-1004, The Residency, City Centre Mall, Lodhipur, Patna - 800001.
- 27. Gopal Krishna Modi, Son of Gopi Krishna Modi, Resident of Flat No-B-0501, The Residency, City Centre Mall, Lodhipur, Patna-800001.
- 28. Deepa Rani Wife of Arvind Kumar, Resident of Flat No-A-1402, The Residency, City Centre Mall, Lodhipur Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. K.N.Choubey, Sr. Advocate Mr.Amit Shrivastava, Sr. Advocate Mr.Rakesh Kumar Samrendra, Advocate
For the Intervenor	:	Mr.Satyabir Bharti, Sr. Advocate Mr.Abhishek Anand, Advocate
For the BSPCB	:	Mr.Shivender Kumar, Advocate
For the Respondent/s	:	Mr.Standing Counsel (6)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 12-01-2026 Heard Mr. K.N. Choubey, learned Senior Counsel for the petitioner assisted by Mr. Rakesh Kumar Samrendra, learned Advocate, Mr. Shivendra Kumar, learned counsel for the Bihar State Pollution Control Board, Mr. Satyabir Bharti, learned Senior Advocate for the private respondents and learned counsel



for the State.

2. The present petition has been filed by the petitioner seeking the following reliefs:-

“(I) For a declaration that the impugned order dated 17.10.2024 passed by the Respondent No.3 issued vide memo No. 2430 dated 23.10.2024 is violative of the mandatory statutory provisions contained in the Air (Prevention and Control of Pollution) Act, 1981, the Noise and Pollution (Regulation Control) Rules, 2000, Principles of natural justice and the same is wholly without jurisdiction.

(II) For a declaration that the impugned Order dated 17.10.2024 is perverse and arbitrary being violative of Article-14 of the constitution of India.

(III) For setting aside the order dated memo. No. 17.10.2024 (issued vide 2430 dated 23.10.2024) passed by the Respondent No. 3 whereby the Emission Consent Order condition No. 10 issued by the Bihar State Pollution control Board vide ref. No. 2586 dated 04.08.2022 has been modified to the extent that "the unit (City Centre, Patna) shall make all efforts to maintain ambient air quality standards with respect to noise viz. 55 dB(a) during day time and 45 dB (a) during night time in residential blocks area considering residential area/ zone and 65 dB(a) during day time and 55 dB (A) during night time in commercial area commercial area/ zone."

3. The simple argument of Mr. Choubey, learned Senior Counsel for the petitioner is that the impugned order dated 17.10.2024 has been passed without issuing any notice to the petitioner and is, therefore, in violation of law and the principles of natural justice. It is contended that no advance notice of measurement was given to the petitioner, nor was the



measurement carried out in the presence of the petitioner.

4. In view of the aforesaid circumstances, the present application is allowed and the impugned order dated 17.10.2024 is hereby set aside.

5. The matter is remitted back to the Bihar State Pollution Control Board, which shall act in accordance with law. The Board shall issue an advance notice to the petitioner, afford an opportunity of hearing and thereafter proceed to pass a reasoned order in accordance with law.

(Sandeep Kumar, J)

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