

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.761 of 2026

Toshiba Water Solutions Pvt. Ltd. in JV with Chevrox Constructions Pvt. Ltd. through its lead Partner Toshiba Water Soloutions Pvt. Ltd. having its registered office at Pioneer Urban Square, 4th Floor Tower-D, Sector- 62, Gurugram, 122098 through its Site Incharge, STP Chapra, namely Ankit Kumar, aged about 31 years, male, Son of Awadhesh Kumar Singh, resident of Near D.A.V. Public School, Gaachi Tola, Dumri, Begusarai, Bihar 850110 currentl6y resididng at Maila Tanki, C/o BUIDCO, Near Road No. 6, Opposite Dheeraj optics, Rajendra nagar, Patna- 800004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment, Forest and Climate Change Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Environment, Forest and Climate Change Department, Govt. of Bihar, Patna.
3. The Secretary, Environment, Forest and Climate Change Department, Govt. of Bihar, Patna.
4. The Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2, Patliputra Industrial Area, Patliputra, Patna- 800010 through the Member Secretary, Bihar State Pollution Control Board, Patna.
5. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2, Patliputra Industrial Area, Patliputra, Patna- 800010.
6. The Member Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2, Patliputra Industrial Area, Patliputra, Patna- 800010.
7. Bihar Urban Infrastructure Development Corporation Ltd., through its Managing Director, Bihar Urban Infrastructure Development Corporation Ltd., Patna.
8. The Managing Director, Bihar Urban Infrastructure Development Corporation Ltd. Patna.
9. The Project Director, BUIDCO, Chapra (Saran).
10. The Deputy Project Director, BUIDCo, Chapra (Saran).
11. The Executive Engineer, Bihar Urban Infrastructure Development Corporation Ltd., Chapra, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Advocate Ms. Riya Giri, Advocate Mr. Sumit Kr. Jha, Advocate
For the Respondent/s	:	Mr. Standing Counsel (18)
For the BSPCB	:	Mr. Abhimanyu Singh, Advocate
For the BUIDCO	:	Mr. Rabindra Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY



ORAL ORDER

5 30-04-2026 Heard Mr. Mr. Ashish Giri, learned Senior Counsel for the petitioner duly assisted by Ms. Riya Giri, Mr. Abhimanyu Singh, learned counsel for respondent nos. 04 to 06 as also the Rabindra Priyadarshi representing the respondent nos. 07 to 11.

2. The present petition has been preferred for the grant of following relief(s):

“(i) to issue writ/order or direction in the nature of Certiorari for quashing the order contained in **Ref. No.285955 dated 27.08.2025** issued under the signature of the **Chairman, Bihar State Pollution Control Board** by which the petitioner was directed to the deposit **Rs.12,20,000/- (Rupees Twelve Lakhs Twenty Thousand Only)** as **environmental compensation** in the name of Member Secretary, Bihar State Pollution Control Board.

(ii) to produce and set aside the **inspection team report** of the Bihar State Pollution Control Board dated **01.02.2025** and the report of the committee of the State Board on



the basis of which environmental compensation has been imposed upon the petitioner.

(iii) to pass interim / ex-parte interim order staying the operation of order contained in Ref. No.285955 dated 27.08.2025 issued under the signature of the Chairman, Bihar State Pollution Control Board by which the petitioner was directed to the deposit Rs.12,20,000/- (Rupees Twelve Lakhs Twenty Thousand Only) as environmental compensation in the name of Member Secretary, Bihar State Pollution Control Board.

(iv) to any other relief or reliefs for which the petitioners are found to be entitled in the facts and circumstances of the case.”

3. This order be read in continuation of the order dated 09.04.2026 wherein a detailed order was passed and it is relevant to record paragraphs 14 to 16 which read as under:

14. Having heard the parties and perusing the records, it is clear that ‘the Board’ has utterly failed in its duty. The inspection was done behind



the back of the petitioner/his representative, no inspection report was handed over but on the basis of the said report, a fine was imposed. Pursuant to the notice issued, the petitioner presented his case.

15. However, in complete non-application of mind and without answering to the points raised by the petitioner, an order dated 27.08.2025 was passed by the Chairman of 'the Board' reiterating its earlier stand.

16. The petitioner has clearly made out a case. However to be fair to 'the BUIDCO' as also to 'the Board', it would be appropriate that the petitioner file reply to the counter-affidavit filed on behalf of both 'the Board' as also 'the BUIDCO' in the next two weeks.

4. Pursuant thereto, the reply to the counter affidavit has been filed and the stand of the petitioner once again is/are



that:

(i) inspection took place behind the back of the petitioner and/or his representative;

(ii) no inspection report was handed over to the petitioner which forms basis for the imposition of the fine.

5. In paragraph-18 of the said order dated 09.04.2026 that from now on, it will be mandatory for the Bihar State Pollution Control Board (henceforth for short 'the Board') to do the videography of the entire movement of their officials from the visit to the premises/inspection till the report is prepared, signed and they leave the place. This is needed for the complete transparency both on the part of the person/premises where the visit/inspection takes place as also 'the Board' to show their bona-fide that they have acted in accordance with law. 'The Board' shall be duty bound to provide pen drive of the inspection alongwith the inspection report.

6. So far as the present case is concerned, in view of the aforesaid facts that has been recorded, the **reference no. 224633 dated 03.04.2025** (Annexure-P/7 to the writ



petition) as also **reference no. 285955 dated 27.08.2025** issued by the **Chairman of 'the Board'** (Annexure-P/9 to the writ petition) both issued by the Chairman of 'the Board' stands quashed.

7. 'The Board' is at liberty to re-inspect the premises of the petitioner in accordance with law and must ensure that:

- (i) the representative of the petitioner firm is present at the time of inspection line with the provision of Water(Prevention & Control of Pollution) Act, 1974;*
- (ii) the entire inspection be videographed uninterrupted;
- (iii) the inspection report alongwith the pen drive must be made available to the petitioner's firm.

8. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

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