HC-KAR

NC: 2026:KHC:61441-DB
WP No. 33378 of 2026

CNR: KAHC010738692026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 33378 OF 2026 (GM-POL)

BETWEEN:

1. THE NANDI SAHAKARI SAKKARE
KARKHANE NIYAMIT
REGISTERED UNDER
THE CO-OPERATIVE SOCIETIES ACT
KRISHNANAGAR, HOSUR VILLAGE
BABALESHWAR TALUK
VIJAYPUR - 586 113
REPRESENTED BY ITS
MANAGING DIRECTOR

…PETITIONER

(BY SRI PRAMOD N. KATHAVI, SENIOR ADVOCATE A/W
SRI SHIVARAJ P. MUDHOL, ADVOCATE)

Digitally signed by VEERENDRA KUMAR K M
Location: High Court of Karnataka

AND:

1. UNION OF INDIA
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE
INDIRA PARYAVARAN BHAWAN
JORBAGH ROAD, NEW DELHI - 3
REP. BY ITS SECRETARY

2. CENTRAL POLLUTION CONTROL BOARD
MOEF AND CC- GOVT. OF INDIA
PARIVESH BHAWAN
EAST ARJUN NAGAR
DELHI - 110 032
REP. BY ITS CHAIRMAN

3. KARNATAKA STATE POLLUTION CONTROL BOARD
PARISARA BHAVANA
1-5TH FLOOR, NO.49
CHURCH STREET
SHANTHALA NAGAR
ASHOK NAGAR
BANGALORE - 560 001
REP. BY ITS MEMBER SECRETARY

4. DEPUTY COMMISSIONER
GOPALPUR GALLI
VIJAYPUR - 586 101

5. HUBBALLI ELECTRICITY
SUPPLY COMPANY LIMITED
VIDYUTH BHAVAN
GOPANAKOPPA
HUBBALLI - 580 023
REP. BY ITS MANAGING DIRECTOR

6. CANE COMMISSIONER
5TH FLOOR, F-BLOCK
CBAB COMPLEX, KAVERI BHAVAN
K.G ROAD, BENGALURU - 560 009

...RESPONDENTS

(BY SRI PRASHANTH MURTHY S.G., CGSC FOR R-1;
MS. SHIVANI P. MURTHY, ADVOCATE FOR
SRI ARJUN RAO, ADVOCATE FOR R-2;
SRI A. MAHESH CHOWDAHRY, ADVCOATE FOR R-3 &
MS. NILOUFER AKBAR, AGA FOR R-4 & R-6)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION MORE IN THE NATURE OF A WRIT OF CERTIORARI AND QUASH THE ORDER BEARING NO.CP-14/40/2023-IPC-III-HO-CPCB-HO/1097 DATED 17/06/2026 (ANNEXURE-A) & ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition, *inter alia*, praying is under:

> "i) Issue a writ, order or direction more in the nature of a writ of certiorari and quash the order bearing No:CP-14/40/2023-IPC-III-HO-CPCB-HO/1097 dated 17.06.2026 (Annexure-A).
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> ii. In the alternative issue a writ, order or direction, more in the nature of a writ of mandamus, directing the 2nd respondent herein to revoke/ recall/rescind the Order of Closure bearing No:CP-14/40/2023-IPC-III-HO-CPCB-HO/1097 dated 17.06.2026 (Annexure-A) and permit the petitioner to open its Integrated Sugar Manufacturing, Co-Generation and Distillery Units and commence sugar cane crushing operations, co-generation of electricity and production of Ethanol, Rectified Spirit and Extra Neutral Alcohol respectively in the said units;
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> iii. issue a writ, order or direction more in the nature of a writ of mandamus, directing the 3rd respondent to issue Consent for Operation (CFO) to the petitioner and permit the petitioner to open its Integrated Sugar Manufacturing, Co-Generation and Distillery Units and commence sugar cane crushing operations, co-generation of electricity and production of Ethanol, Rectified Spirit and Extra Neutral Alcohol;
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> iv. Issue a writ, order or direction more in the nature of a writ of mandamus directing the 5th respondent

to resume power supply to petitioner's unit bearing installation bearing RR No. BJP/Co-Gen-02;

v. Issue a writ, order or direction more in the nature of a writ of mandamus directing the 6th respondent herein issue cane crushing license for the crushing season 2026-27; and

vi. Pass such other order or orders as this Hon'ble Court may deems fit, proper, necessary and expedient in the circumstances of the case."

2. The petitioner is registered under the Karnataka Co-operative Societies Act, 1959 [**KCS Act**] and is engaged in manufacturing of sugar and the by-products out of Sugarcane, and other related products.

3. The petitioner established an integrated co-generation unit with a capacity of 2500 tons of crushing per day [**TCD**] at Babaleshwar in Vijaypura district. The capacity was expanded to 3500 TCD in 2006, 6500 TCD in 2009, and 14000 TCD in 2019.

4. The petitioner is essentially aggrieved by the closure order dated 17.06.2026 issued by respondent No.2, the Central Pollution Control Board [**CPCB**]. This said closure order was issued as the petitioner failed to take certain measures to address the observations made by the Pollution Control Authorities.

5. This Court is informed that the petitioner has since implemented the required measures, and the CPCB has revoked the closure order dated 17.06.2026, which is impugned in the present petition. In the aforesaid view, the petitioner's grievance in that regard does not survive.

6. In addition, the petitioner has also prayed that directions be issued to the Karnataka State Pollution Control Board [**KSPCB**] for issuing Consent for Operation [**CFO**] which had expired on 30.06.2026. Further, the petitioner also prays that directions be issued to the 6th respondent (Cane Commissioner) to issue Cane Crushing License for the season 2026-27.

7. The petitioner applied for CFO on 24.06.2026, prior to expiry of the CFO granted by KSPCB. The petitioner had also paid the requisite fee of ₹70,00,000/- which was duly acknowledged by the KSPCB. However, the petitioner's application has not been processed as yet.

8. The learned counsel appearing for KSPCB submits that the said application will be processed within a period of one week from date. In view of the said statement, no further directions are

required to be issued to KSPCB, except to record that it is bound down to the said statement.

9. Insofar as the relief against the Cane Commissioner is concerned, the learned Additional Government Advocate submits on instructions, that the petitioner applied for renewal of the license for the season 2026-27 on 13.04.2026. However, it had not enclosed two of the necessary documents, namely, (a) permission letter from KSPCB to continue operations as its CFO had expired on 30.06.2026; and (b) details of the payments made to farmers for the previous season 2025-26.

10. She states that the Cane Commissioner had also issued communications dated 24.04.2026, 02.06.2026, 04.09.2026 and 21.09.2026, calling upon the petitioner to furnish the aforementioned documents.

11. She states that the petitioner has made the payments due to farmers for the 2025-26 season as reflected in a fortnightly report furnished on 15.10.2026. The proposal for renewal of the crushing licence was forwarded to the State Government on 28.10.2026,

and the proposal is pending consideration by the State Government.

12. This Court is also informed that the Deputy Commissioner, Vijayapura District, has convened a meeting between the petitioner and the farmers at the petitioner's factory to finalise the sugarcane price for the 2026-27 sugar season.

13. In view of the above, we consider it appropriate to direct the State Government to consider the proposal for renewal of the crushing license as expeditiously as possible, preferably within a period of one week from today.

14. We also clarify that even if the licence is issued, the petitioner shall not carry out operations until it receives consent from KSPCB.

15. The petition is disposed of with the aforesaid observations.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

KMV/List No.: 2 Sl No.: 25