

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

**CWP No. 17373 of 2005 (O&M)  
Date of decision:- 20.01.2011**

Court on its own motion

Vs

State of Punjab

**CORAM:-HON'BLE MR. JUSTICE RANJAN GOGOI, ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI**

Present: Mr. B.S. Chahal, Advocate (Amicus Curiae).

Mr. A.R. Takkar, Advocate,  
for Punjab Pollution Control Board.

Mr. Rupinder Khosla, Additional Advocate General,  
Punjab.

Ms. Geeta Sharma, Advocate.

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**RANJAN GOGOI, A.C.J. (ORAL)**

C.M. No. 775 of 2011

Civil Miscellaneous application is allowed.

Response to the status reports dated 03.05.2010 and  
01.10.2010 is taken on record.

CWP No. 17373 of 2005

This suo-moto PIL has been registered on the basis of news item appeared in 'The Dainik Tribune' dated 23.10.2005 with regard to the discharge of chemicals from industries in Derabassi and the resultant environmental and health problems caused.

At the very preliminary stage of the present proceedings, the

Court had directed the Punjab Pollution Control Board to make a survey of the polluting industries and submit its report. It appears that the Punjab Pollution Control Board, acting pursuant to the Court's order, identified four industries to be the major source of pollutants referred to in the newspaper item which is the subject matter of the present PIL. The four industries are M/s PML Industries Ltd., M/s Kudos Chemie Ltd., M/s Nectar Life Sciences Ltd. and M/s Cephram Milk Specialties Ltd. Thereafter, from time to time, inspection was carried out by the Punjab Pollution Control Board and reports thereof had been submitted to the Court culminating in the latest report dated 01.10.2010. The learned Amicus Curiae assisting the Court was asked to indicate his response to the status report dated 01.10.2010 which has been so done by filing Civil Miscellaneous No. 775 of 2011.

We have considered the reports of the Punjab Pollution Control Board particularly the report dated 03.05.2010 and the latest report dated 01.10.2010. We have also taken into account the suggestions and the views offered by the learned Amicus Curiae.

From the aforesaid two reports of the Punjab Pollution Control Board it appears that two industries namely M/s PML Industries Ltd. and M/s Kudos Chemie Ltd. are conforming to the requirements and there is no impediment to the running of the said units. In the absence of any contrary material before the Court we accept the status reports of the Punjab Pollution Control Board to the above effect.

In so far as M/s Nectar Life Sciences Ltd. is concerned, in the status report dated 01.10.2010 the Punjab Pollution Control Board has

observed as follows:-

“The ash generated from the above said boiler furnace is dumped by the industry in the low lying area near the plantation area. The alternate layers of ash and soil are provided in that area. But a part of this ash is washed away by the rain waters during rainy season as the area where the ash is dumped is low lying. Therefore, the industry needs to provide proper arrangements for disposal of its boiler ash in an environmentally sound manner, so as to avoid its erosion during rainy season.”

In the said report, it is further mentioned that the matter had been referred to the competent authority i.e. the Chairman of the Board to issue the following directions:-

“(a) The industry may be asked to develop the plantation area in such a manner that no soil erosion takes place and plantation is damaged during rainy season and the treated trade effluent is properly utilized onto land for plantation.

(b) The industry may be asked to provide treated trade effluent storage tank of at least one month capacity to take care of the effluent during rainy season and no demand period.

(c) The industry may be asked to provide proper arrangements for disposal of its boiler ash in an environmentally sound manner, so as to avoid its erosion during rainy season.

It is submitted that the competent authority is in process of issuing directions to the industry.”

The representative of the Punjab Pollution Control Board namely Mr. Lovneet Dubey, Assistant Environmental Engineer who is present in person has stated that the above stated directions have been

issued by the Chairman of the Board to M/s Nectar Life Sciences Ltd. requiring them to conform to the requirements within a period of two months.

In the above circumstances, we direct the aforesaid industry i.e. M/s Nectar Life Sciences Ltd. to conform to the directions issued failing which they will be liable to necessary action by the Board under the provisions of the relevant law in this regard.

In so far as M/s Cepham Milk Specialities Ltd. is concerned, it would appear from the status report dated 03.05.2010 that the said unit is presently closed. Learned Counsel for the Punjab Pollution Control Board has stated that no sooner operations in the said unit/industry are re-started the same will be monitored by the Punjab Pollution Control Board and thereafter the said industry will be required to conform to whatever requirements of law that may be found to be due. The Punjab Pollution Control Board is directed to act accordingly in so far as M/s Cepham Milk Specialities Ltd. is concerned.

All the issues raised in the status reports filed by the Punjab Pollution Control Board having been dealt with by the present order, we do not see why this PIL should be kept pending any longer.

PIL, accordingly, shall stand disposed of in the above terms.

**(RANJAN GOGOI)**  
**ACTING CHIEF JUSTICE**

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**20.01.2011**  
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