

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 8468 of 2010

Date of Decision: July 22, 2010

Arjun Agro foods

..... Petitioner

Versus

State of Punjab and others

..... Respondents

Coram: Hon'ble Mr. Justice Mr. Mukul Mudgal, Chief Justice
Hon'ble Mr. Justice Ajay Tewari

Present: Ms. Manisha Gandhi, Advocate
for the petitioner.

Mr. Rupinder Khosla, Addl. AG, Punjab
for respondents No. 1 and 3.

Mr. D.S. Patwalia, Advocate
for respondent No. 2.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Mukul Mudgal, CJ(Oral):

This CWP has been filed for quashing the order dated 21.7.2009, Annexure P-13, passed by the Punjab Pollution Control Board canceling the "No Objection" certificate issued to the petitioner being illegal, malafide, against the facts and principles of natural justice.

At the outset, it has been pointed out during the course of arguments by the counsel for respondent No. 2 that before coming to this Court the petitioner had a remedy to approach the competent authority

permission to the petitioner for processing the paddy lying inside the premises was prayed for, the appropriate course in the present case would be to permit the petitioner to process paddy and in case the appeals under the aforesaid Acts are filed not later than a period of three weeks from today. In view of the pleas raised in the writ petition, the Appellate Authority shall decide the same uninfluenced by any order which has been passed by this court in regard to processing of paddy.

In this view of the matter we direct that the petitioner be allowed to process the paddy lying in the premises with a direction that the processing has to be done in accordance with the permissible norms of Air and Water Pollution Acts and the rest of the directions would be subject to the directions given by the Appellate Authority in the appeals. The State Government would prepare an inventory about the quantity of paddy lying in the premises within a period of one week from today. It will be open to the Pollution Control Board to ensure the observance of pollution norms.

With the aforesaid directions, this writ petition is disposed of.

A copy of this order be given dasti to the learned State counsel as well as to learned counsel for respondent No.2-Pollution Control Board under the signatures of the Bench Secretary.

Sd/- (MUKUL MUDGAL)
CHIEF JUSTICE

Sd/- (AJAY TEWARI)
JUDGE

True Copy
Bench