

APHC010207302026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3572]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 10377/2026

Between:

1. ANAHITHA RESOURCES PVT LTD, (FORMERLY MEHERKIRAN ENTERPRISES LTD.) SY.NOS. 14 14/1, PASINIKADA VILLAGE, ANAKAPALLI MANDAL, VISAKHAPATNAM DISTRICT, ANDHRA PRADESH, REPRESENTED BY ITS MANAGING DIRECTOR, SRI K. RAGHU RA

...PETITIONER

AND

1. THE GOVERNMENT OF ANDHRA PRADESH, ENVIRONMENT, FOREST, SCIENCE AND TECHNOLOGY DEPARTMENT, REP BY ITS PRINCIPAL SECRETARY, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT - 522 237.

2. THE ANDHRA PRADESH POLLUTION CONTROL BOARD, REP. ITS CHAIRMAN, ANDHRA PRADESH POLLUTION CONTROL BOARD, D.NO. 41, GURUNANAK ROAD, OPP. STATE BANK OF HYDERABAD, SRI KANAKADURGA OFFICERS COLONY, VIJAYAWADA - 520 008.

3.THE ENVIRONMENTAL ENGINEER, A.P. POLLUTION CONTROL BOARD, REGIONAL OFFICE, VISAKHAPATNAM - 530 018.

4.THE ZONAL OFFICER, A.P. POLLUTION CONTROL BOARD, ZONAL OFFICE, VISAKHAPATNAM - 530 018.

5.THE SUPERINTENDING ENGINEER OPERATIONS, EASTERN POWER DISTRIBUTION COMPANY OF A.P. LTD. (APEPDCL), ANAKAPALLI-531 001.

...RESPONDENT(S):

Counsel for the Petitioner:

1.C SUBODH

Counsel for the Respondent(S):

1.GP FOR FORESTS

The Court made the following:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION No.10377 of 2026

ORDER: *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri O.Manohar Reddy, learned Senior Advocate, assisted by Sri C.Subodh, learned counsel for the petitioner and Sri Kata Sambasiva Rao, learned Assistant Government Pleader, appearing for respondent No.1 and Sri Bolla Venkata Rama Rao, learned Standing Counsel appearing for respondent Nos.2 to 4.

2. In spite of service of notice on respondent No.5, none appears for respondent No.5.

3. With the consent of the parties counsels, the present writ petition is being disposed of finally, as keeping it pending would serve no useful purpose.

4. The petitioner was issued Consent to Operate (CTO) on 24.04.2025. Its validity was upto 31.12.2025. The petitioner could not apply for the renewal within the statutory period of 120 days from the date of its expiry. Consequently, a notice dated

05.02.2026 was issued to the petitioner asking it to apply for the CTO, failing which it was provided that the action shall be initiated for operation of the industry without CTO as per lay out.

5. Learned counsel for the petitioner submits that it is not in dispute that the renewal of CTO was not applied within the period of 120 days prior to its expiry but he submits that even after the expiry of the statutory period of 120 days the renewal of the CTO could be applied pursuant to guideline No. 3 of the Control of Water Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025, issued by the Ministry of Environment, Forest and climate Change Notification, New Delhi, dated 30.01.2025, on payment of one time additional fee as late fee @100% of the fee. He submits that the application was filed along with the payment of that amount. The said application is pending for consideration.

6. However, another show cause notice was given vide Lr.No.1311/PCB/RO-VSP/CT/2026 dated 10.04.2026. The said show cause notice was issued to the petitioner inter alia for the stated reason that the authorities inspected premises of the factory and found certain deficiencies or shortcomings. The petitioner was directed to submit the response as also to explain as to why action

should not be taken against him for which 15 days time was granted i.e. to submit a reply. Learned counsel for the petitioner submits that even before expiry of the period granted to submit the reply to the show cause notice, the order of closure was passed on 16.04.2026. He further submits that though the period of 15 days granted to the petitioner to submit the reply had not expired but within that period the petitioner had also requested the authorities to permit another 15 days time to rectify the deficiencies pointed out, in the meeting attended by him.

7. Learned counsel for the petitioner submits that the order of closure dated 16.04.2026 has not been passed on the ground of the deficiencies pointed out in the show cause notice dated 10.04.2026 but only on the ground that the industry was being operated without holding valid CTO, which was also one of the grounds in the show cause notice dated 10.04.2026.

8. Learned counsel for the respondents, does not dispute the aforesaid fact regarding the passing of the order of closure on 16.04.2026 pursuant to the notice dated 10.04.2026 within the period granted to submit the reply.

9. It could also not be disputed by the learned counsel for the respondents that the application for renewal of CTO filed as per the guidelines on payment of 100% is pending.

10. In view of the aforesaid, firstly, pursuant to the show cause notice dated 10.04.2026, the time of 15 days to submit reply had not expired but without waiting for that period granted to file reply, the order of closure has been passed. The same amounts to violation of the principles of natural justice of affording opportunity of hearing.

11. Secondly, the ground on which the closure order has been passed is not sustainable for the reason that the petitioner has already applied for renewal of the CTO as per the guidelines and the same was pending for consideration. So on one hand keeping the application pending and on the other passing the order of closure on the ground that there is no valid CTO is unsustainable.

12. In view of the aforesaid, to meet both the ends of justice, we dispose of present writ petition providing

- a) that the petitioner's pending application for renewal of the CTO dated 08.03.2026 shall be considered in accordance with law by the competent authority/respondents

expeditiously within a period of four weeks from the date of receipt of copy of the order.

b) The petitioner shall also file his response to the show cause notice dated 10.04.2026, with respect to the objections taken, within a period of two weeks from the date of receipt of certified copy of this order before the competent authority and thereafter appropriate orders shall be passed pursuant to the show cause notice.

c) The order of closure impugned in the petition shall abide by the orders/decision so taken.

13. There shall be no order as to costs.

As a sequel, interlocutory applications pending if any, shall stand closed.

RAVI NATH TILHARI, J

BALAJI MEDAMALLI, J

Date: 22.04.2026.
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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION No.10377 of 2026

22.04.2026

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