

HIGH COURT OF CHHATTISGARH AT BILASPUR

ORDER-SHEET

WPC NO. 2604 OF 2020

- M/s Hind Energy & Coal Beneficiation (India) Ltd., Village Hindadih, Tahsil Masturi, District Bilaspur (CG), through its occupier Mr. Rajesh Rethi Nair. ...

Petitioner(s)

versus

1. Chhattisgarh Environment Conservation Board, through its Secretary, Paryavas Bhawan, North Block, Sector-19, Nawa Raipur, Atal Nagar, Raipur (CG) 492002
2. Regional Officer, Chhattisgarh Environment Conservation Board, Vyapar Vihar, near Pandit Deendayal Upadhyay Park, Bilaspur, District Bilaspur (CG)
3. Superintending Engineer (O&M), CSPDCL, Tifra, District Bilaspur (CG)
4. Collector, Bilaspur, District Bilaspur (CG)
5. Mining Officer, O/o Collector, District Bilaspur (CG) ... **Respondent(s)**

<p>29.10.2020</p>	<p>Mr. Vaibhav Shukla, Advocate, for Petitioner.</p> <p>Mr. Animesh Tiwari, Advocate, for Respondents No. 1 and 2.</p> <p>Mr. Siddharth Dubey, Dy. A.G., for Respondents No. 4 & 5.</p> <p>Heard on admission.</p> <p>Writ Petition is admitted for hearing.</p> <p>Also heard on I.A. No.1 - application for grant of interim relief.</p> <p>Learned Counsel for Petitioner assailing the impugned orders issued by Respondent No.1 and 2 has challenged it primarily on the ground that the same is in total contravention of the principles of natural justice. In addition, the ground of non-compliance of the statutory provisions under the Air (Prevention and Control of Pollution) Act, 1981. The competency of the Officer who has issued the impugned orders also has been questioned by the Petitioner in the present Writ Petition.</p> <p>Considering the specific allegations made by the Petitioner of having not been issued with any notice so far as the inspections which were conducted on 21.9.2020 and also on 1.10.2020 and also the allegation of the inspection report of both these dates not been served upon the Petitioner are concerned, prima facie, a strong case for grant of interim relief is made out.</p>
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Accordingly, it is ordered that till the next date of hearing there shall be a stay of the effect and operation of the impugned orders (Annexure P-1 and Annexure P-2).

The interim order granted by this Court does not preclude the Respondent-Board from carrying out the regular inspections which are otherwise required for checking the pollution at the Petitioner establishment. It is expected that the Petitioner also shall render full cooperation for the same to the Respondent-Board.

Sd/-
(P. Sam Koshy)
Judge

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