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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2342/2022

1: M/S N E PLAST CO. AND 7 ORS A PARTNERSHIP FIRM HAVING ITS PRINCIPAL PLACE OF BUSINESS AT IIT ROAD, JAYGURU, SILAMAHEKHAITI, NEAR N.H.-31, AMINGAON, DIST- KAMRUP, ASSAM, PIN-781031, REPRESENTED BY ONE OF ITS PARTNERS, SRI ROSHAN SURANA, S/O LATE PRITHWIRAJ SURANA, AGED ABOUT-49 YEARS

2: M/S JAI PLASTECH PVT. LTD. A PRIVATE LIMITED COMPANY HAVING ITS REGISTERED OFFICE AT UMTRU POWER HOUSE ROAD RAJABAGAN BYRNIHAT-793101 DIST- RI-BHOI MEGHALAYA REPRESENTED BY ONE OF ITS DIRECTORS SRI SANDEEP AGARWAL S/O SANTOSH KUMAR AGARWAL AGED ABOUT-43 YEARS

3: M/S SHREE GANAPATI UDYOG A PARTNERSHIP FIRM HAVING ITS PRINCIPAL PLACE OF BUSINESS AT INDUSTRIAL ESTATE P.IO.-BORGURI TINSUKIA DIST-TINSUKIA ASSAM PIN-786126 REPRESENTED BY ONE OF ITS PARTNERS SRI ASHISH MODI S/O SRI MANGAL CHAND AGARWAL AGED ABOUT-38 YEARS

4: M/S SHREE VINAYAK POLYPACK INDUSTRIES A PARTNERSHIP FIRM HAVING ITS PRINCIPAL PLACE OF BUSINESS AT WARD NO. 1 PARLY CHOWK PALASBARI DIST-KAMRUP ASSAM PIN-781128 REPRESENTED BY ONE OF ITS PARTNERS SRI VIJAY KUMAR SINGHI S/O LATE BINOD KUMAR SINGHI AGED ABOUT-40 YEARS

5: ARUN BORPATRA GOHAIN
S/O GULAP BORPATRA GOHAIN PROPRIETOR OF M/S SHIV POLYMER INDUSTRIES HAVING ITS PRINCIPAL PLACE OF BUSINESS AT KARAIKHOWA MOHABANDHA JORHAT ASSAM PIN-785006

6: M/S G.D. PLAST A PARTNERSHIP FIRM HAVING ITS PRINCIPAL PLACE OF BUSINESS AT 7TH MILE MODEL VILLAGE OPPOSITE DIMUL FACTORY DIMAPUR NAGALAND PIN-797103 REPRESENTED BY ONE OF ITS PARTNERS SRI RIKSHIT JAIN S/O LATE MAHABIR PRASAD JAIN AGED ABOUT 39 YEARS

7: SANDEEP RATHI
S/O SRI GANESH MAL RATHI PROPRIETOR OF M/S KRISHNA FOOD
PRODUCTS HAVING HIS PRINCIPAL PLACE OF BUSINESS AT AIIDC
JAMBARI SEC-II CHAYGAON DIST-KAMRUP ASSAM PIN-781141

8: M/S R.K. DISPO PRODUCTS A PARTNERSHIP FIRM HAVING ITS
PRINCIPAL PLACE OF BUSINESS AT VILL-KAMALPUR MOUZA-PUB PAR
P.O.-BAIHATA DIST-KAMRUP ASSAM PIN-781380 REPRESENTED BY ONE
OF ITS PARTNERS SRI UDAY KUNDU S/O LATE SUSHIL KUMAR KUNDU
AGED ABOUT 68 YEAR

VERSUS

1: THE UNION OF INDIA AND 4 ORS REPRESENTED BY THE SECRETARY
TO THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
GOVERNMENT OF INDIA, NEW DELHI-110001

2: SECRETARY TO THE MINISTRY OF ENVIRONMENT FORETS AND
CLIMATE CHANGE GOVERNMENT OF INDIA NEW DELHI-110001

3: THE POLLUTION CONTROL BOARD ASSAM BAMUNIMAIDAM
GUWAHATI ASSAM DIST-KAMRUP(M) ASSAM PIN-781021

4: MEGHALAYA STATE POLLUTION CONTROL BOARD
ARDEN LUMPYNGNGAD SHILLONG PIN-793014

5: NAGALAND POLLUTION CONTROL BOARD
SIGNAL POINT DIMAPUR NAGALAND PIN-79711

For the Petitioner(s) : Mr. O.P. Bhati, Advocate.
: Mr. P. Sarma, Advocate.
: Mr. R. Bharali, Advocate.

For the Respondent(s) : Mr. R.K.D. Choudhury, Deputy Solicitor General of India for
respondent Nos.1 & 2.
: Mr. D.J. Das, Advocate.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

21.01.2025
(Vijay Bishnoi, CJ)

It is noticed that on 16.11.2022, this Court had made a categorical
observation that the affidavit-in-opposition filed by the Central Government

Counsel is not satisfactory because the deponent on behalf of the Central Government had not dealt with the core issue which has been raised in this petition. After observing this, this Court had issued a direction to the respondent No.1 to file his own affidavit dealing with the contentions raised on the validity of the very provisions which are put to challenge by the petitioners.

It is sorry state of affairs that no affidavit on behalf of the respondent No.1 is filed till date.

When this was pointed out to the Counsel for the Central Government, it is stated that they have already clarified their stand in the earlier affidavit filed by the Central Government.

It appears that the respondent No.1 is not willing to file his own affidavit despite clear direction given by this Court.

We fail to understand the adamancy on the part of the respondent No.1 of not filing an affidavit despite a clear observation by this Court that the affidavit-in-opposition filed by the Central Government Counsel in the present writ petition is not satisfactory as it had not dealt with the core issue which has been raised in this writ petition.

At this stage, Mr. R.K.D. Choudhury, learned Counsel appearing for the Central Government prays for one more opportunity to file an affidavit of respondent No.1, as directed by this Court vide order dated 16.11.2022. It is to be noticed that one such opportunity was already granted by this Court to the Counsel for the Central Government on 12.06.2023 when submission was made that due to oversight, fresh affidavit could not be filed in terms of the direction given by this Court on 16.11.2022.

Be that as it may, in the interest of justice, last opportunity of 2(two) weeks' is granted to the Counsel for the Central Government to comply with the

direction given by this Court on 16.11.2022. We made it clear that no further opportunity would be granted to the Counsel for the Central Government in any event.

List again on ***11.02.2025***.

JUDGE

CHIEF JUSTICE

Comparing Assistant