

GAHC010059932022



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

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

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

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
SIGNAI POINT
DIMAPUR
NAGALAND
PIN-79711

Advocate for the Petitioner : MR. O P BHATI

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 16-11-2022

R.M. Chhaya, C.J.

Heard Mr. O.P. Bhati, learned counsel for the petitioner. Also heard Mr. D.J. Das, learned Central Government Counsel, for the respondent Nos.1 and 2.

We are not satisfied with the affidavit-in-opposition filed by the Central Government Counsel. The deponent on behalf of the Central Government has not dealt with the core issue which has been raised in this petition. The respondent No.1 is directed to file his own affidavit dealing with the contentions raised on the validity of the very provisions which are challenged by the petitioners.

List again on **20.12.2022.**

JUDGE

CHIEF JUSTICE

Comparing Assistant