



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 3582 OF 2025 (GM-POL)

BETWEEN:

1. M/S ASSOCIATE DECOR LIMITED
(COMPANY UNDER CORPORATE
INSOLVENCY RESOLUTION PROCESS)
REPRESENTED BY
AUHTORISED REPRESENTATIVE
MR. KOUDIJI MALLIKARJUNA
OF MR. ALOK KAILASH SAKSENA
(COMPANY UNDER CORPORATE
INSOLVENCY RESOLUTION PROCESS)
C/O DESAI SAKSENA AND ASSOCIATES
CHARTERED ACCOUNTANTS
HAVING ITS OFFICE AT: 1ST FLOOR
LAXMI BUILDING
SIR PHIROZSHAH MEHTA ROAD
FORT MUMBAI - 400 001

ALSO HAVING ITS REGISTERED OFFICE AT
PLOT NO. 1, PHASE 4
KIADB INDUSTRIAL AREA
MALUR TALUK, KOLAR DISTRICT
KARNATAKA - 563 160

...PETITIONER

(BY SRI AJAY RAO., ADVOCATE)





AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
VIDHANA SOUDHA
BANGALORE - 560 001
2. KARNATAKA STATE POLLUTION CONTROL BOARD
REPRESENTED BY THE CHAIRMAN
"PARISARA BHAVAN"
1ST TO 5TH FLOOR
49, CHURCH STREET
BANGALORE - 560 001
3. MEMBER SECRETARY
KARNATAKA STATE POLLUTION CONTROL BOARD
"PARISARA BHAVAN"
1ST TO 5TH FLOOR
49, CHURCH STREET
BANGALORE - 560 001
4. SENIOR ENVIRONMENT OFFICER KSPCB
NEIA SECTION
"PARISARA BHAVAN", 3RD FLOOR
NO.49, CHURCH STREET
BANGALORE - 560 001

...RESPONDENTS

(BY MS. NILOUFER AKBAR, AGA FOR R-1 &
SRI A. MAHESH CHOWDHARY, ADVOCATE A/W
MS. RASHI SINGH, ADVOCATE FOR R-2 TO 4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION AND
QUASH THE IMPUGNED ORDER BEARING NO.PCB/766/NOB/2024-
25/204 DATED 29/01/2025 ANNEXURE-M ISSUED BY RESPONDENT
NO.3 & ETC.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition impugning an order dated 29.01.2025 passed by respondent No.3-Karnataka State Pollution Control Board [**KSPCB**] rejecting the petitioner's request for Consent for Operation [**CFO**]. The petitioner further prays that such a consent be granted.
2. A plain reading of the impugned order indicates that it is premised on a report of an inspecting team who visited the petitioner's industry on 27.06.2024. The main observations of the inspecting team are also noted in the impugned order.
3. It is the petitioner's case that the CFO was deemed to have been granted by virtue of Section 25(7) of the Water (Prevention and Control of Pollution) Act, 1974.



4. This is stoutly contested by the learned counsel for the KSPCB. He points out that the application for renewal of CFO was made on 25.06.2024 and the decision is based on an inspection that was conducted on 27.06.2024. The petitioner also contends that the inspection report was not furnished to the petitioner.

5. In view of the above, the learned counsel for the KSPCB submits that the impugned order may be set aside with a liberty to the petitioner to respond to the inspection report.

6. The KSPCB shall hear the petitioner in this regard and take a fresh decision. However, the learned counsel for the KSPCB clarifies that it may not be open for the petitioner to raise a claim for deemed grant of CFO.

7. The learned counsel appearing for the petitioner states that the petitioner is agreeable to the said suggestion.

8. In view of the consensus between the counsel, the impugned order is set aside. The KSPCB shall pass a fresh order in regard to the petitioner's application dated 25.06.2024 as expeditiously as possible, after affording the petitioner an opportunity to be heard.



The petitioner is also permitted to furnish its response/representation within a period of two weeks from date. It is clarified that it would not be open for the petitioner to have a deemed CFO. However, till the KSPCB renders a fresh decision, the petitioner would not be impeded in running its industry.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KPS
List No.: 1 Sl No.: 41