



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 21<sup>ST</sup> 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. 3586 OF 2025 (GM-POL)**

**BETWEEN:**

1. M/S ASSOCIATE DECOR LIMITED  
(COMPANY UNDER CORPORATE  
INSOLVENCY RESOLUTION PROCESS)  
REPRESENTED BY  
AUTHORISED REPRESENTATIVE  
MR. KOUDIRI MALLIKARJUNA  
OF MR. ALOK KAILASH SAKSENA  
RESOLUTION PROFESSIONAL  
(COMPANY UNDER CORPORATE  
INSOLVENCY RESOLUTION PROCESS)  
C/O DESAI SAKSENA AND ASSOCIATES  
CHARTERED ACCOUNTANTS  
HAVING ITS OFFICE AT: 1<sup>ST</sup> 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" 1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
49, CHURCH STREET  
BANGALORE - 560 001
3. MEMBER SECRETARY  
KARNATAKA STATE POLLUTION CONTROL BOARD  
"PARISARA BHAVAN"  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
#49, CHURCH STREET  
BANGALORE - 560 001
4. SENIOR ENVIRONMENT OFFICER KSPCB  
NEIA SECTION  
"PARISARA BHAVAN"  
3<sup>RD</sup> 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-  
25/205 DATED 29.01.2025 ANNEXURE-M ISSUED BY THE  
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 the Air (Prevention and Control of Pollution) Act, 1981.



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.: 42