

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Special Appeal Writ No. 358/2026

Rajasthan State Pollution Control Board

-----Appellant

Versus

Shri Balaji Int Udyog

-----Respondent

Connected With

1. D.B. Special Appeal Writ No. 40/2026
2. D.B. Special Appeal Writ No. 42/2026
3. D.B. Special Appeal Writ No. 99/2026
4. D.B. Special Appeal Writ No. 100/2026
5. D.B. Special Appeal Writ No. 101/2026
6. D.B. Special Appeal Writ No. 102/2026
7. D.B. Special Appeal Writ No. 103/2026
8. D.B. Special Appeal Writ No. 104/2026
9. D.B. Special Appeal Writ No. 105/2026
10. D.B. Special Appeal Writ No. 106/2026
11. D.B. Special Appeal Writ No. 107/2026
12. D.B. Special Appeal Writ No. 108/2026
13. D.B. Special Appeal Writ No. 109/2026
14. D.B. Special Appeal Writ No. 110/2026
15. D.B. Special Appeal Writ No. 111/2026
16. D.B. Special Appeal Writ No. 112/2026
17. D.B. Special Appeal Writ No. 113/2026
18. D.B. Special Appeal Writ No. 125/2026
19. D.B. Special Appeal Writ No. 127/2026
20. D.B. Special Appeal Writ No. 131/2026
21. D.B. Special Appeal Writ No. 132/2026
22. D.B. Special Appeal Writ No. 133/2026
23. D.B. Special Appeal Writ No. 134/2026
24. D.B. Special Appeal Writ No. 135/2026
25. D.B. Special Appeal Writ No. 136/2026
26. D.B. Special Appeal Writ No. 137/2026
27. D.B. Special Appeal Writ No. 139/2026
28. D.B. Special Appeal Writ No. 143/2026
29. D.B. Special Appeal Writ No. 144/2026
30. D.B. Special Appeal Writ No. 145/2026
31. D.B. Special Appeal Writ No. 146/2026
32. D.B. Special Appeal Writ No. 147/2026
33. D.B. Special Appeal Writ No. 148/2026
34. D.B. Special Appeal Writ No. 149/2026
35. D.B. Special Appeal Writ No. 153/2026
36. D.B. Special Appeal Writ No. 168/2026
37. D.B. Special Appeal Writ No. 184/2026
38. D.B. Special Appeal Writ No. 187/2026
39. D.B. Special Appeal Writ No. 194/2026
40. D.B. Special Appeal Writ No. 216/2026
41. D.B. Special Appeal Writ No. 237/2026
42. D.B. Special Appeal Writ No. 302/2026
43. D.B. Special Appeal Writ No. 303/2026

44. D.B. Special Appeal Writ No. 304/2026
 45. D.B. Special Appeal Writ No. 305/2026
 46. D.B. Special Appeal Writ No. 306/2026
 47. D.B. Special Appeal Writ No. 307/2026
 48. D.B. Special Appeal Writ No. 308/2026
 49. D.B. Special Appeal Writ No. 309/2026
 50. D.B. Special Appeal Writ No. 310/2026
 51. D.B. Special Appeal Writ No. 311/2026
 52. D.B. Special Appeal Writ No. 312/2026
 53. D.B. Special Appeal Writ No. 313/2026
 54. D.B. Special Appeal Writ No. 314/2026
 55. D.B. Special Appeal Writ No. 315/2026
 56. D.B. Special Appeal Writ No. 316/2026
 57. D.B. Special Appeal Writ No. 324/2026
 58. D.B. Special Appeal Writ No. 344/2026
 59. D.B. Special Appeal Writ No. 347/2026
 60. D.B. Special Appeal Writ No. 355/2026
 61. D.B. Special Appeal Writ No. 359/2026
 62. D.B. Special Appeal Writ No. 385/2026
 63. D.B. Special Appeal Writ No. 386/2026
 64. D.B. Special Appeal Writ No. 387/2026
 65. D.B. Special Appeal Writ No. 402/2026
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Mr. Anil
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Mr. Gaurav

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SANDEEP SHAH

(through VC)

Order

01/07/2026

1. In these matters, arguments were heard and judgment was reserved on 06.05.2026. Subsequent thereto, the Hon'ble Apex Court in Civil Appeal Nos.757-760/2013 (D.P.C.C. v. Union of India

& Ors.), has passed an order dated 21.05.2026 in the following terms;-

“1. By our judgment and order dated 04.08.2026, we had given the following directions:-

”35. To ensure that the Boards impose restitutionary and the compensatory environmental damages in a fair transparent, nonarbitrary manner; with procedural certainty, necessary subordinate legislation in the form of rules and regulations must be notified. This shall include methods by which environmental damage is determined, and the consequent quantum of damages are assessed. They may also incorporate certain basic principles of natural justice for fairness in action. At present environmental damages are being levied by the Boards on the basis of certain guidelines issued by the Central Pollution Control Board in its document “General framework for imposing environmental damage compensation” issue in December, 2022. These guidelines seem to have been issued pursuant to the directions of the NGT (Pursuant to the NGT in its order in O.A. No. 606/2018 dated 24.04.2019). It is important that these guidelines are reviewed thoroughly and issued in the form of Rules and Regulations. This will enable declaration of a law that applies and ensures its recognition and easy implementation.”

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“39(c) it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after 37 detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation.”

2. The above directions should not be understood to mean that the regulators, being the Pollution Control Boards cannot proceed to impose and collect the compensatory environmental damages in the absence of subordinate legislation, on the subject.

3. This clarification is necessary because the learned Amicus Curiae have brought to our notice that certain High Courts have been passed interim orders staying proceedings for imposition and collection of environmental compensation, only for the reason that there is no Subordinate Legislation on the subject.

4. We reiterate that High Courts will not stay proceedings for imposition and collection of environmental compensation only for the reason that subordinate legislation is not made and issued on the subject.

5. List on 10.08.2026.”

2. The above order has been passed as a sequel to the earlier judgment dated 04.08.2025 rendered in *Delhi Pollution Control Committee v. Lodhi Property Co. Ltd. Etc., reported in 2025 INSC 923*.
3. In view of the fact that, subsequent to rendering of the above-mentioned judgment, the Hon'ble Apex Court is again considering an application seeking clarification/modification of the judgment dated 04.08.2025 and has issued certain interim directions, we deem it appropriate to defer the hearing of this case till the said application is decided by the Hon'ble Apex Court.
4. List these matters after six weeks before the regular roster.

(SANDEEP SHAH),J

(ARUN MONGA),J

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