

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6884/2025

The State Of Rajasthan

-----Petitioner

Versus

M/s Advent Envirocare Technology Pvt. Ltd.

-----Respondent

Connected With

1. S.B. Civil Writ Petition No. 11823/2025
2. S.B. Civil Writ Petition No. 2976/2025
3. S.B. Civil Writ Petition No. 3279/2025
4. S.B. Civil Writ Petition No. 4846/2025
5. S.B. Civil Writ Petition No. 9108/2025
6. S.B. Civil Writ Petition No. 9123/2025
7. S.B. Civil Writ Petition No. 9182/2025
8. S.B. Civil Writ Petition No. 9266/2025
9. S.B. Civil Writ Petition No. 9473/2025
10. S.B. Civil Writ Petition No. 10104/2025
11. S.B. Civil Writ Petition No. 10706/2025
12. S.B. Civil Writ Petition No. 11019/2025
13. S.B. Civil Writ Petition No. 11020/2025

For Petitioner(s)	:	Ms. Dhriti Laddha for Mr. Rajendra Prasad, AG Mr. R.P. Singh, Sr. Adv. assisted by Mr. Jaivardhan Singh Shekhawat Mr. Ashish Poonia Mr. Manvendra Shekhawat Mr. Harish Kandpal with Mr. Yashwardhan Agarwal for Mr. Punit Singhvi Mr. Amit Puri Mr. Shubham Rohila for Mr. Rahul Kamwar Ms. Apoorva Agarwal for Mr. Himanshu Jain
For Respondent(s)	:	Mr. N.K. Maloo, Sr. Adv. Mr. Ashok Mehta, Sr. Adv. assisted by Mr. Mudit Singhvi & Mr. Arjun Seth Mr. Hemant Kothari through VC Ms. Anubha Singh through VC for UBI

HON'BLE MR. JUSTICE SAMEER JAIN

Order

04/12/2025

1. In the instant matter, service qua Union Bank of India is complete and Ms. Anubha Singh has marked appearance via V.C.; the amended cause title has been filed, and has been taken on record.
2. It is submitted by learned senior counsel Mr. Maloo, Mr. Ashok Mehta assisted by Mr. Mudit Singhvi and Mr. Arjun Seth that the award dated 03.09.2021 passed by the learned Arbitral Tribunal is detailed, considered and speaking in nature, nonetheless, the same has attained finality, qua the parties, after traveling till the Hon'ble Supreme Court.
3. It is submitted that the learned Execution Court while analyzing the merits/demerits of the case, in rhyme with the judicial precedents as pronounced by the Hon'ble Supreme Court and applying the principles of polluter pays, alter ego and the doctrine of lifting of corporate veil have fixed the liability upon the Directors, the State and the Stake-holders concerned. It is further submitted that the learned Arbitral Tribunal has formulated various issues and after considering that the lapses were on the part of the respondents therein, the said award was passed.
4. Nevertheless, as on date, the entire purpose of setting up of the plant in question is frustrated, as till the date of passing of the award and execution order, the pollution control plant was not operative/ and not being operated. It is further contended that the said plant is not operative in the interest of petitioners/Directors and the large Industries, and if the said plant

is made operative, approximately Rs. 50-75 Crores per year shall be borne by the payee concern. Thence, in the facts and scenario, lifting of corporate veil and principle of polluter pays are ought to be duly considered, specially when a Public Interest Litigation (now attained finality) and the proceedings before the learned National Green Tribunal are on the same lines. Consecutively, it is averred that the conduct of State and its instrumentalities who are part of '*samiti*' is also not appropriate.

5. In view of the foregoing facts and circumstances, this Court directs the respondent-SEPD to file an affidavit undersigned by the Board of Directors and/or duly authorized person(s) qua the status report, number of operational units, contribution made therefrom, the operational cost involved, and status of any litigation pending before the learned NGT or the Hon'ble Supreme Court. Withal, if first charge holder i.e. Union Bank of India is also desirous of making any submissions and file an affidavit, they are at liberty to do the same.

6. List these matters tomorrow i.e. 05.12.2025.

7. Appropriate affidavit, as directed, be filed.

(SAMEER JAIN),J