

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9064 of 2013

M/S UAL Industries Limited through its Executive Director, Sri Kaushalesh Nandan Prasad Sinha (K.N.P. Sinha) aged about 59 years, son of Late S.N.P. Sinha, resident of 16, Mayfair Road, Kolkata- 700019 (West Bengal) . (A company incorporated under the Companies Act) having one of its upcoming Unit Namely UAL- Bihar At Village Chak Sultan, Rampur Rajdhari, District- Vaishali (Bihar)

.... Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Govt. of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Superintendent of Police, Vaishali at Hajipur.
5. The Station House Officer (S. H.O), Police Station-Mahua, District- Vaishali.
6. Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Lal Bahadur Shastri Nagar, Patna.
7. Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Lal Bahadur Shastri Nagar, Patna.
8. Central Pollution Control Board through its Chairman, "Parivesh Bhawan", C.B.D.-cum-Office Complex , East Arjun Nagar, Delhi-110032.

.... Respondent/s

Appearance :


For the Petitioner : Mr. Vinod Kanth, Sr. Advocate
Mr. Mukul Sinha, Advocate
For the Respondents : Mr. Shivendra Kishore,
Mrs. Vinita Singh,
Mr. Abhimanyu Sharma, Advocates
For Respondent No.8: Mr. Umesh Narayan Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE JAYANANDAN SINGH
ORAL ORDER

11 28-10-2013

Learned Additional District & Sessions Judge I, Vaishali at Hajipur has submitted his report dated 17.09.2013 to this Court. Let it be kept on record.

The order of this Court dated 19.08.2013 is a detailed order and speaks for itself. The issues involved in this case were such that this Court felt that help of an Expert Body was required. Hence this Court had requested the Central Pollution Control Board (in short, „the Central Board“) to constitute a team of five experts, get



inspection held and submit a report in reference to the queries posed by this Court for it. The report has been received which has been kept on record. The report is a detailed one. The team of the Central Board has given its finding and answered queries made by this Court and has made certain recommendations in respect of feasibility of setting up petitioner-industry. The report is of a competent expert body and this Court, in fitness of things, has no other option than to dispose of this application in the light of the findings and recommendations contained in the said report.

In the circumstances, the order of the Bihar State Pollution Control Board dated 16.04.2013, revoking „No Objection Certificate“ of the petitioner as contained in Annexure-1 is quashed. NOC of the petitioner shall be treated as lapsed on account of expiry of the period for which it had been granted. This Court is informed by the parties that petitioner had already submitted an application for annual renewal of the NOC with requisite fee prior to passing of the impugned order. The said application of the petitioner shall be treated as revived and shall be considered by the Bihar State Pollution Control Board, taking into account the findings and recommendations contained in the said report of the Team of Central Pollution Control Board. Final decision shall be taken by the State Pollution Board in accordance with law in the matter positively

within two months from today.

Mr. Shivendra Kishore, learned counsel, appearing for the Bihar State Board, has filed an affidavit today and submits that the State Board has some reservation with regard to findings and recommendations contained in said report. This Court will not delve into the matter. It is between the State Board and Central Board and, if required, the State Board may seek such clarifications or Guidelines from the Central Board as it may feel necessary for consideration of the application of the petitioner for renewal of NOC.

Before parting with this case, this Court likes to record its appreciation for the efforts made and cooperation shown by the Central Pollution Control Board, the Members of the Expert Team, District Magistrate, and Superintendent of Police, Vaishali at Hajipur, the Ist Additional District & Sessions Judge, Vaishali, who was deputed by the learned District & Sessions Judge to oversee the inspection, Mr. Mukul Sinha and Mr. Shivendra Kishore, learned counsels who had taken pains to be present during the inspection of the Team and the representative of the Bihar State Pollution Control Board who accompanied Mr. Shivendra Kishore.

(Jayanandan Singh, J)

B.T/-