
(2019) 05 UK CK 0098

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1157 Of 2019

M/s Dr. Mittal Laboratory Pvt. Ltd

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 03-05-2019

Acts Referred:

Citation : (2019) 05 UK CK 0098

Hon'ble Judges : Ramesh Ranganathan, CJ;N.S. Dhanik, J

Bench : Division Bench

Advocate : D.S. Patni, Vikas Pandey, Aditya Pratap Singh

Final Decision : Disposed Off

Judgement

Ramesh Ranganathan, CJ

1. Heard Sri D.S. Patni, learned counsel for the petitioner and Sri Aditya Pratap Singh, learned Standing Counsel for the Uttarakhand Environment Protection and Pollution Control Board and, with their consent, this writ petition is being disposed of at the stage of admission.

2. The jurisdiction of this Court is invoked seeking a writ of certiorari to quash the impugned closure order dated 08.04.2019 passed by the second respondent; and for a mandamus directing the respondents to forthwith de-seal the petitioner-unit.

3. By the impugned proceedings dated 08.04.2019, an order of closure was passed pointing out several deficiencies in the petitioner-unit.

4. Sri D.S. Patni, learned counsel for the petitioner, would submit that, after rectification of the deficiencies pointed out by the Uttarakhand Environment Protection and Pollution Control Board, the petitioner had submitted a representation on 21.04.2019; and, though the petitioner-unit is now complying with the stipulated norms, it is still under closure.

5. Sri Aditya Pratap Singh, learned Standing Counsel for the Uttarakhand Environment Protection and Pollution Control Board, would submit that the petitioner's representation would be considered in accordance with law, an inspection of the unit would be caused again by the officials of the Uttarakhand Environment Protection and Pollution Control Board to satisfy themselves that the petitioner's claim of having complied with the stipulated norms is valid or not; and necessary orders would be passed thereafter in accordance with law with utmost expedition and, in any event, within ten days from today.

6. While Sri D.S. Patni, learned counsel for the petitioner, would submit that the subject unit is under closure ever since 08.04.2019, Sri Aditya Pratap Singh, learned Standing Counsel for the Uttarakhand Environment Protection and Pollution Control Board, would submit that, though the order of closure was passed on 08.04.2019, the subject unit was actually closed by the District Administration only on 26.04.2019.

7. Be that as it may, it does appear that the subject unit is under closure for the past one week. Suffice it, in such circumstances, to direct the Uttarakhand Environment Protection and Pollution Control Board to examine the petitioner's representation, cause an inspection of the subject unit, satisfy themselves that the unit is now complying with the prescribed norms, and thereafter take a decision in accordance with law with utmost expedition and, in any event, within a period of one week from today.

8. The writ petition stands disposed of accordingly. No costs.

9. Let a certified copy of this order be furnished to the parties, on payment of the prescribed charges, by 04.05.2019.