

(2019) 10 J&K CK 0019

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 3666 Of 2019, CM No. 7605 Of 2019

M/s R. Kay Grinding (Jammu) Private Ltd

APPELLANT

Vs

State Of Jammu & Kashmir And Ors

RESPONDENT

Date of Decision : 10-10-2019

Acts Referred:

Citation : (2019) 10 J&K CK 0019

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : Anil Khajuria, Ayjaz Lone

Judgement

Sanjeev Kumar, J

1. The case set up by the petitioner is that the petitioner is running an industrial unit under the name and style of "M/s R. Kay Grindings (Jammu) Private Ltd." in the Government approved industrial area i.e. Industrial Extension Area, Hatli Morh, Kathua. The petitioner was granted permission by the State Level Environment Impact Assessment Authority, Ministry of Environment, Forest and Climate Change under the Government of India, Department of Ecology, Environment and remote Sensing vide No. SEIAA/2016/09/542/49 dated 06.04.2018 for setting up additional line of industrial activities.

2. The petitioner claims that it approached the J&K State Pollution Control Board, Jammu for issuance of consent to establish the unit but the petitioner was given a letter dated 02.02.2019 of the Central Pollution Control Board, New Delhi indicating that all the projects, who have got permission from the State level EIA Authority or MoEFCC are exempted from obtaining the consent to establish under ease of doing the business.

3. While the petitioner was busy in completing the requisite formalities for establishing additional line of activities in the unit, Notification of the Central Pollution Control Board dated 02.02.2017 came to be stayed in a litigation by the Delhi High Court, as a result whereof the order of the State Pollution Control

Board dispensing with the requirement of consent to establish in the case of permission of the State Level Environment Impact Assessing Authority was also withdrawn.

4. Faced with the situation, the petitioner approached the J&K State Pollution Control Board, Jammu with the application for seeking consent to establish and also consent to operate additional line of activities of the unit.

5. The grievance of the petitioner is that both the applications of the petitioner are pending consideration of the J&K State Pollution Control Board and no decision thereon is being taken by the Board. Learned counsel for the petitioner, therefore, submits that the petitioner would feel satisfied, if the respondent-Board is directed to take a decision on the pending applications of the petitioner for consent to establish and for permission to operate in a time bound manner.

6. Mr. Ayjaz Lone, learned counsel appearing for the Board, is not averse to the consideration of the case of the petitioner in accordance with law.

7. Having heard learned counsel for the parties and perused the record, I am of the view that having regard to the nature of controversy involved and relief prayed for, this writ petition can be disposed of with a direction to the respondent No. 3 to take a final decision on the applications of the petitioner seeking consent to establish and consent to operate in accordance with law. Ordered, accordingly. It may be noted that in case it is found that the petitioner had established his unit during the period the communication of the Central Pollution Control Board dated 02.02.2017 was in operation, he may not be required to seek formal consent to establish the unit. Be that as it may, let a decision on the request of the petitioner be taken by the respondent-Board within a period of four weeks from the date a certified copy of this order is made available to the respondent No. 3.