
(2021) 11 TEL CK 0051
In the Telangana High Court
Case No : Writ Petition No. 5023 Of 2021

Sns Starch Limited

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 23-11-2021

Acts Referred:

Citation : (2021) 11 TEL CK 0051

Hon'ble Judges : Satish Chandra Sharma, CJ;A. Rajasheker Reddy, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

The petitioner before this Court has filed this present petition being aggrieved by the order dated 05.12.2020 issued by respondent No.2 directing the petitioner company to pay a sum of Rs.66,36,000/- as environmental compensation towards alleged environment damages.

The petitioners' contention is that the petitioner/company is in the business of producing Maize Starch and power through its wet milling plant and biomass power general unit situated at Mahabubnagar District. The petitioner further stated that the National Green Tribunal has passed an order in O.A.No.107 of 2017, dated 16.10.2020 directing the Pollution Control Board to carryout physical inspection in the matter. The Pollution Control Board has carried out physical inspection and finally after issuing proper show cause notice to the petitioner, has passed the impugned order.

When the matter was argued before this Court, learned counsel for the Pollution Control Board has stated that in similar circumstances this Court has granted liberty to another industry to approach the National Green Tribunal. A Division Bench of this Court in W.P.No.6105 of 2021 has passed the following order:

"In the High Court of Telangana, physical hearing has resumed. However, at the insistence of learned counsel appearing for the petitioner-company, the matter was heard with the consent of the parties through video conferencing and after

hearing the learned counsel for the parties, the matter is being disposed of at motion hearing stage itself.

The petitioner before this court, a company registered under the Companies Act, 2013, has filed the present writ petition being aggrieved by the show cause notice dated 28.09.2020 as well as the order dated 01.02.2021 issued by the Telangana State Pollution Control Board.

The facts of the case reveal that the National Green Tribunal, Southern Zone Bench, Chennai, vide judgment dated 24.10.2017 in Application No.90 of 2013 and batch, issued directions for payment of corpus fund of 1% of the annual turnover for expansion of industries and 0.5% of the annual turnover by the industries for restoration of the entire affected area and creation of Corpus Fund in the name of "Patancheru and Bollaram Environment Relief Fund". The petitioner-company was one of the respondents before the National Green Tribunal and after hearing the petitioner- company, the judgment was delivered by the Tribunal. In compliance of the judgment delivered by the National Green Tribunal, the petitioner-company made contributions in the year 2018-19 by paying a sum of Rs.4,22,00,000/-. The undisputed facts of the case also reveal that the petitioner-company is supplying drinking water to various villages keeping in view the various orders passed by this High Court from time to time.

Ms. Meenakshi Arora, learned Senior Advocate appearing for the petitioner-company, has vehemently argued before this court that the unit of the petitioner-company is not situated in Patancheru and Bollaram Industrial Areas and therefore, the judgment of the National Green Tribunal does not cover the unit of the petitioner-company.

A similar controversy arose in respect of M/s. Chromo Laboratories India Limited and M/s. Suven Pharmaceuticals Limited, having their units at Sangareddy District, Telangana. M/s. Chromo Laboratories India Limited and M/s. Suven Pharmaceuticals Limited were also issued show cause notices and orders were passed on 01.02.2021 directing them to contribute towards Corpus Fund and the companies, stating that they are having units in Sangareddy District and the judgment is not applicable to them, came up before this court by filing writ petitions i.e., W.P.Nos.4118 and 4143 of 2021. A Division Bench of this court has passed an order dated 26.03.2021 in W.P.Nos.4118 and 4143 of 2021, which is reproduced as under:-

"1. The present petitions have been filed by the petitioners praying inter alia for declaring the action of the respondent No.2/Telangana State Pollution Control Board in demanding contribution to the corpus fund created by it, in terms of the orders dated 24.10.2017 passed by the National Green Tribunal, Southern Bench, Chennai in a batch of matters, as illegal and arbitrary.

2. At the outset, we have requested learned counsel for the petitioners to address this court on the maintainability of the present petitions when, even as per the impugned order dated 01.02.2021 passed by the respondent No.2/

Telangana State Pollution Control Board, payment in the corpus fund is being called upon to be made by the concerned industries in terms of the order of the National Green Tribunal, Southern Bench, Chennai. In our opinion, if the petitioners are aggrieved by the aforesaid action of the respondent No.2/ Telangana State Pollution Control Board, its remedy lies before the National Green Tribunal. Instead, the petitioners are calling upon this court to interpret the order of the National Green Tribunal one way or the other, which is not permissible.

3. We decline to entertain the present petitions. The same are accordingly closed along with the pending applications, if any. It is for the petitioners to approach the National Green Tribunal for clarification of its order dated 24.10.2017 and/or to seek appropriate orders to the effect that they are not under any obligation to contribute to the corpus fund as directed to be created by the National Green Tribunal in terms of the order dated 24.10.2017."

In the considered opinion of this court, as the impugned orders have been passed by the Telangana State Pollution Control Board in respect of payment of Corpus Fund in terms of the order of the National Green Tribunal and in case the petitioners are aggrieved, the remedy lies before the National Green Tribunal and admission has been declined in identical case by this court.

We also decline to entertain the present petition. The same stands disposed of with liberty to the petitioner-company to approach the National Green Tribunal for clarification of the order dated 24.10.2017 and to seek appropriate orders to the effect that it is not under any obligation to contribute to the Corpus Fund, as directed to be created by the National Green Tribunal in terms of the order dated 24.10.2017. The interim order dated 26.04.2021 stands vacated. Resultantly, I.A.No.2 of 2021 is allowed.

The miscellaneous applications pending in this writ petition, if any, shall stand closed."

In the light of the aforesaid judgment, the petitioner does have a remedy to approach the National Green Tribunal. Therefore, the admission is declined.

With the aforesaid, the writ petition is dismissed.

Miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.