
(2014) 09 KAR CK 0093

In the Karnataka High Court

Case No : Writ Petition Nos. 25815-25816/2014 (LB-BMP)

Welpac Products and Systems Private Limited

APPELLANT

Vs

The Bruhat Bangalore Mahanagara Palike Hudson Circle

RESPONDENT

Date of Decision : 23-09-2014

Acts Referred:

Citation : (2014) 6 KarLJ 630

Hon'ble Judges : Dilip B. Bhosale, J

Bench : Single Bench

Advocate : Aditya Narayan, Advocate for the Appellant; B.V. Muralidhar, Advocate for the Respondent

Judgement

Dilip B. Bhosale, J.—By consent, heard learned counsel for the parties for admission of the writ petitions. I have perused the amendment application and the proposed amendment.

2. In the present writ petitions, the petitioners have impugned the order dated 02.06.2014 issued by the 2nd respondent-The Deputy Health Officer whereby he has directed the petitioners to close their industry. Petitioners run a printing press at Venkata Reddy Layout, which is predominantly a residential area. They were running the press after obtaining trade licence under the provisions of the Karnataka Municipal Corporation Act, 1976. The trade licence expired on 31.03.2013. Petitioners, therefore, applied for its renewal and the renewal application, according to the petitioners, was kept pending till the impugned order dated 02.06.2014 was issued.

3. It is not in dispute that the 2nd respondent took action against the petitioners in view of the show cause notice dated 11.02.2014, issued by the Karnataka State Pollution Control Board (for short "the Board"). It would be relevant to reproduce the text of the show cause notice which read thus:

"With reference to above subject, this office has received the complaint against the above industry engaged in the business of digital printing vide ref (1)

regarding Smell nuisance and dust particles while cutting sun boards used for hoardings. In response to the complaint, the DEO of this office has inspected the unit on 6.1.2014 vide ref (2) and submitted a report.

As per the report, you have established and operating the industry in the name & style of M/s. Welpac Products and Systems Pvt. Ltd., No. 31, Venkata Reddy Layout, 80 Feet Road, Cross, 6th Block, 3rd Cross, Koramangala, Bangalore-560095 and engaged in Digital printing activity without obtaining consent for establishment (CFE) and consent for operation (CFO) from the KSPCB under the Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981. During inspection the following observations were made:

? The industry is operating and engaged in the Digital printing activity (Printing on Flex/Vinyl) and due to which there is a smell nuisance to the surrounding residence.

? The industry is established in a residential area even though no industry is allowed to establish/operate in the residential area.

? The industry is established in a building having Ground floor, First floor and Second floor. There are Two Large Digital Printing machines which are installed in the ground floor and Two Small Digital Printing machines in the First floor and no activity in the Second floor.

? The industry has installed 62.5 KVA DG set with acoustic enclosures.

? During inspection it was informed to the Proprietor Sri. Mayoor - to shift the industrial, activity to the industrial area to prevent Health hazardous to the surrounding residents. In view of the above, you are hereby called upon show-cause within 7 days time as to why this office shall not recommend the Board to initiate suitable action as per the relevant provisions of the Water & Air Acts. The receipt of this "Show Cause Notice" may be acknowledged."

Copy of the show cause notice was forwarded to 2nd respondent for information and suitable action, including to withdraw the trade licence in view of the complaints from residents in Venkata Reddy Layout. The petitioners replied to the show cause notice vide their letters dated 28.02.2014 and 06.03.2014 (Annexure-K and L). This Court is informed that the show cause notice is yet not decided by the Board. Learned counsel for the petitioner also informs the Court that the petitioners have also applied for "No Objection" to the Board for running the printing press vide their application dated 23.05.2014 and the same is also pending consideration. In this view of the matter, I do not find any reason to interfere with the impugned order dated 02.06.2014. It is not in dispute that the Board has powers to issue a show cause notice, as issued in the present cases, and even to pass further orders including the order of closure. Similarly, it is also not in dispute that "No Objection" of the Board for running printing press is necessary. Unfortunately, the petitioners have not added the Board as

respondent in the petitions. Be that as it may, I do not find any reason to interfere with the order impugned in the present writ petitions and I am satisfied that the following order shall meet the ends of justice:

ORDER

- i. The Board is requested to decide the show cause notice on merits in accordance with law as expeditiously as possible and preferably within a period of eight weeks from the date of receipt of this order.
- ii. The Board is further requested to consider and decide the petitioners' application for seeking No Objection.
- iii. If the orders passed by the Board on the show cause notice as well as on the application filed by the petitioners for seeking no objection are not adverse to the petitioners., it is open to them to approach the BBMP for issue of trade licence or for renewal of earlier trade licence issued to them.
- iv. It is needless to mention that if the orders passed by the Board are adverse to the petitioners, it is always open to them to take appropriate remedy against such orders.
- v. It is made clear that this Court has not examined merits of the show cause notice and the petitioners' application for seeking No Objection.

With these observations, the writ petitions are disposed of.