

05/2022

M/s National Woolen & Finishers

Vs. HSPCB

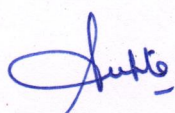
Present: Shri Sumeet Goel, Senior Advocate with Shri A. K. Ranolia, Advocate and Sh. Achin Gupta, Advocate for appellant
Shri Ramesh Chahal, Advocate alongwith Shri Kuldeep Singh, Assistant Environmental Engineer, HSPCB, Panipat for the respondent.

Affidavit of Shri Kamljeet Singh, Regional Officer, Haryana State Pollution Control Board, Panipat filed which states that a show cause notice dated 02.12.2021 was issued to the appellant but there is no proof of service of this notice with dispatch section of the Head Office. He has further stated in the affidavit that non service of show cause notice is not intentional and the same has occurred inadvertently. The matter has been brought to the notice of the higher authorities for inquiry.

On the basis of show cause notice dated 02.12.2021, two orders dated 12.01.2022 withdrawing the CTO and ordering the closure of the appellant unit were passed. Learned counsel for the respondent fairly admit that in the absence of show cause notice, both the impugned order are not legally sustainable. Consequently, this appeal is accepted. The impugned orders dated 12.01.2022 are set aside. The respondent shall be at liberty to proceed further against the appellant after due service of show cause notice and to take further action, if required. Copy of this order be supplied to the parties free of cost.

For the deposit of Rs.13,75,944/- the parties shall be at liberty to avail legal remedy available with them.

Dated 17.11.2022


Appellate Authority