

78/2021

M/s Indian Oil Corporation Ltd. Vs. HSPCB

Present: Shri Vaibhav Sahni, Advocate and Sh. Anand Chhibbar, Avocate counsel for applicant.  
Shri Satbir Singh, District Attorney alongwith Shri Ramesh Chahal, Advocate for the respondent.

Heard. Learned counsel for respondent submit that he has no objection to restoration of this appeal which is otherwise not maintainable.

Learned senior counsel for the appellatant submit that he had instructed his associate Mr.Vaibhav Sahani, Advocate to appear in this case but he could not appear on 13.01.2022 as he and his family were quarantined due to COVID-19 resulting in dismissal of the appeal in default. The application for restoration could not be filed as no appellate authority had been constituted by the State of Haryana till May 2022 after Mr.S.N.Roy, Appellate Authority, had relinquished the charge.

Keeping in view the submission of learned counsel for parties, the appeal is ordered to be restored at its original number.

Heard on merit. This appeal has been filed against the order dated 27.01.2020 (Annexure-A1) whereby Environment Compensation of Rs.74,10,000/- was imposed on the appellatant.

Learned Counsel for the respondent submits that this compensation has not been imposed under the provisions of Water (Prevention & Control of Pollution), Act 1974 and Air (Prevention & Control of Pollution), Act 1981 (later referred as Water and Air Acts). as such this appeal is not maintainable before this appellate authority, which has been constituted to hear appeals under under Section 28 of Water Act and 31 of Air Act.. The issue of legality of Environment Compensation cannot be ascertained by this authority as this question is beyond its jurisdiction.

Learned counsel for appellatant submits that if this appeal is not maintainable before this authority, the appellatant be permitted to avail other legal remedy available to him.

It is not disputed that this appeal is not maintainable before this authority which can hear appeals as per provisions of Section 28 & 31 of Water & Air Acts. The impugned order has not been passed under Sections 25, 26 & 27 of Water Act or under the provisions of Air Act.

Hence, this appeal is disposed of being beyond the jurisdiction of this Appellate Authority, with liberty of the appellant to avail other legal remedy under law.

Dated 13.10.2022

  
Appellate Authority