

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1750 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE M.S.SHAH

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GREEN DYES

Versus

STATE OF GUJARAT

Appearance:

MR AY KOGJE for Petitioners

MR M R RAWAL for Respondent No. 1 & 2

MR HB SHAH for Respondent No. 3

MR NV ANJARIA for Respondent No. 4

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE M.S.SHAH

Date of decision: 31/03/97

ORAL JUDGEMENT

Rule. Learned advocates appearing for the respondents waive service of rule.

2. By filing this petition, the unit has prayed to quash and set aside Annexure 'B' dated 27.6.1996 and to direct the appropriate authorities to restore electric and water supply.

3. Annexure 'B' is an order passed by the Deputy Secretary to the Government of Gujarat, Forests and Environment Department. It appears that inspite of the notice, the unit has not filed undertaking and compliance report before the competent authority. Therefore, the State Government, in exercise of powers conferred upon it, vide notification S.O. No. 152 (E) dated 10.2.1988 issued by the Government of India, Ministry of

Environment and Forests, New Delhi under the provisions of Section 5 of the Environment (Protection) Act 1986 and the rules made thereunder directed the unit to stop production activities immediately and also directed the concerned authorities providing services like electricity and water, to disconnect the same.

4. It is pointed out by the learned Advocate for the unit that the unit has become a member of the Common Effluent Treatment Plant and has paid the necessary amount. It is also pointed out that the unit has paid one percent of the highest annual turnover out of the last three years. These averments are also made on oath and copies of the relevant documents are also annexed. The unit has also paid the amount towards drainage line and monitoring charges. All these amounts are paid after the closure order, and, therefore, the unit has approached this Court with a request to quash and set aside the said order at Annexure 'B'. GPCB has also inspected the unit on 27.3.1997 and its report indicates that during the visit, the unit was not in operation, and the unit was closed since last eight months. The said report is ordered to be taken on record.

5. In view of what is stated on oath in the petition, which is not controverted by the GPCB, we think it proper to allow the petition. The order at Annexure 'B' is quashed and set aside. We direct the respondent No. 3 to reconnect electric supply, and the respondent No.4 to reconnect water supply of the unit, on condition that the petitioners shall pay the reconnection charges as well as the arrears, if any.

The petition stands allowed accordingly. Rule made absolute. No order as to costs.

csm./ -----