

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 2417 of 2016

M/s JMD Enterprises

.....Petitioner

Versus

Uttarakhand Environment Protection

and Pollution Control Board & others

.....Respondents

Present:- Mr. Lokpal Singh, Advocate for the petitioner.
Mr. Shiv Pande, Advocate holding brief of Mr. Aman Rab, Advocate
for respondent nos. 1 and 2.
Mr. M.S. Rawat, Advocate holding brief of Mr. D.S. Patni, Advocate
for respondent no. 3.

Hon'ble Sudhanshu Dhulia, J. (Oral)

The petitioner is an ancillary unit of Hero Motor Corp which manufacturers automobile components and electroplating. The petitioner has challenged the order dated 26.07.2016 passed by Uttarakhand Environment Protection and Pollution Control Board under Section 27 of the Water (Prevention and Control of Pollution) Act, 1974 read with Section 21(4) of the Air (Prevention and Control of Pollution) Act, 1981 and order dated 29.07.2016 passed by the Member Secretary, Uttarakhand Environment Protection and Pollution Control Board under Section 33-A of the Water (Prevention and Control of Pollution) Act read with Section 31-A of the Air (Prevention and Control of Pollution) Act.

2. Learned counsels for the respondents submit that the order dated 26.07.2016 is appealable before the Chairman. According to the learned counsels for the respondents, order dated 29.07.2016 passed under

Section 33-A of the Water (Prevention and Control of Pollution) Act, subsequently after amendment made in the Act under Section 33-B is now appealable before the National Green Tribunal. These are the objections raised by the learned counsels for the respondents.

3. Learned counsel for the petitioner agrees to this legal position.

4. In view thereof, the writ petition stands dismissed on the ground of alternative remedy with liberty to the petitioner to approach appropriate forum.

(Sudhanshu Dhulia, J.)

Avneet/

31.08.2016