

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 158 of 2020

Date of Order: 15.07.2020

M/s. Rana Construction and
Engineers Pvt. Ltd.

Vs.

State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Ranjit Vasant Rao More, Judge.

Appearance:

For the Petitioner/Appellant(s) : Dr. N.Mozika, Sr. Adv.

For the Respondent(s) : Mr. A.Kumar, AG with
Mr. A.Kharwanlang, GA.

1. Heard Dr. N.Mozika, learned Sr. counsel for the petitioner and learned AG for the respondents.

2. By this petition filed under Article 226 of the Constitution, petitioner is challenging the letter dated 28-05-2020 issued by the Deputy Commissioner, Ri-Bhoi District. By the said letter, the Deputy Commissioner, Ri-Bhoi District directed the petitioner to close all the operations of the petitioner's Counter Mix Plant. The impugned order was issued on the ground that petitioner has not obtained the following permissions:

1. Single Window Agency's approval from the Department of Commerce & Industries.
2. Consent to Establish/Consent to operate from Meghalaya State Pollution Control Board.
3. Forest clearance from Department of Forest.
4. Factory License from Chief Inspector of Boilers & Factories.
5. Trading License from Khasi Hills Autonomous District Council.
6. NOC from Inspector of Electricity for operation of DG Sets.
7. NOC from Local Headman.
8. Registered Land documents/Lease Deed agreement.

3. The petition is opposed by filing affidavit in reply. The stand of the government that the petitioner has not taken the required permissions as enlisted in the impugned order and therefore, impugned order cannot be disturbed.

4. Admittedly, some of the permissions has not been obtained by the petitioner. Dr. N.Mozika, learned Sr. counsel submit that petitioner has already applied to the various authorities for the required permissions. Dr. N.Mozika further submit that some of the permissions are not required, for eg., Single Window Agency, Forest clearance from Department of Forest, Factory License from Chief Boilers & Factories etc.

5. Dr. N.Mozika, learned Sr. counsel for the petitioner submit that petitioner has already applied for the permissions required under the law to run his Counter Mix Plant and he submit that he will commence the functioning of the said Counter Mix Plant after obtaining the said permissions.

6. In the above circumstances, Dr. N. Mozika, learned Sr. counsel seeks leave to withdraw the petition, leave granted. Petition disposed of.

7. It is made clear that I have not gone into the merits of the matter and all points and contentions of the parties expressly kept open. The concerned authorities including the State, in the interest of justice shall expedite the petitioner's application for necessary permission. Needless to say that the concerned authority including the State shall take the decision in its own merit.

Judge

Meghalaya
15.07.2020
"Samantha PS"