

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI
and
HON'BLE SRI JUSTICE D. RAMESH

Writ Petition No.10810 of 2021

ORDER: (per KVL, J)

This writ petition is filed “to declare the impugned order of stop production passed by the Andhra Pradesh State Pollution Control Board vide Order No.71/APPCB/UH-II/TF/NLR/2021 dated 26.05.2021 (received by the petitioner on 27.05.2021), as illegal and arbitrary.”

Heard Sri Y Srinivasa Murthy, learned counsel for the petitioner, Sri N Harinath, learned Assistant Solicitor General appearing for the 1st respondent and Sri V.Surender Reddy, learned counsel appearing for respondents 2 to 5 and with their consent, this writ petition is being disposed of at the stage of admission.

Case of the petitioner is that, petitioner was incorporated in the year 2010 and was carrying on business in manufacturing of bulk drugs; the 3rd respondent granted consent for establishment vide order dated 24.04.2010 pursuant to the application of the petitioner dated 19.06.2009; thereafter consent for operation was accorded on 23.12.2020 and since then, petitioner was manufacturing various life saving drugs in bulk; the validity of the consent for operation is valid till 31.06.2021; on 11.05.2021 due to opening of a safety valve of a reactor, four persons at the site got injured and three of them have succumbed; the incident occurred during the process of manufacturing of Vidagliptin stage; petitioner submitted compliance report with covering letter on 20.05.2021 to the Pollution Control Board; pursuant to the incident, a joint inspection team has been constituted and it submitted a report dated 21.05.2021; on 26.05.2021, the 3rd respondent without any show cause notice, has issued impugned order of Stop Production instructing the petitioner to stop production; there are several batches of important life saving drug which is in the manufacturing process and the same cannot be stopped all of a sudden without bringing them into a safe stop mode, which will take two weeks time; petitioner made a representation to the 3rd respondent to reconsider their decision, but no orders have been passed on the same. Hence, the writ petition.

Learned counsel for the petitioner submits that all the requirements suggested by the Pollution Control Board have been complied with by the petitioner and compliance report is also submitted and that the Board can inspect the premises of the petitioner at any time to check the compliance of the same.

Sri V Surender Reddy, learned standing counsel for the 3rd respondent submits that the petitioner has submitted a representation on 27.05.2021 requesting two weeks time to stop production and that the said letter is not filed by the petitioner along with the writ petition.

Learned counsel for the petitioner has made a request to continue the operation of production for two weeks and in the meanwhile, the authorities of the Control Board may come and inspect the premises and also point out the lapses and the same would be attended by the petitioner within no time and the learned standing counsel consented for the said request.

In view of the facts and circumstances of the case, with the consent of both the counsel, the stop production order dated 26.05.2021 is set aside and the petitioner is permitted to carry on production for a period of two weeks from the date of receipt of a copy of this order. Meanwhile, the 3rd respondent is at liberty to conduct inspection of the petitioner to ensure compliance of all requirements and after inspection, the 3rd respondent is at liberty to take appropriate action in accordance with law. It is needless to state that before inspection, the 3rd respondent is directed to issue notice to the petitioner with regard to the date of inspection.

The writ petition is, accordingly, disposed of. No order as to costs. Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J

D. RAMESH, J

Date: 29.05.2021
Note: Furnish CC by 31.05.2021
(BO)
BSS

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI
and
HON'BLE SRI JUSTICE D. RAMESH

WRIT PETITION No.10810 of 2021

Date: 29.05.2021

BSS