

**IN THE HIGH COURT OF UTTARAKHAND  
AT NAINITAL**

ON THE 26<sup>TH</sup> DAY OF FEBRUARY, 2021

BEFORE:

HON'BLE SHRI JUSTICE MANOJ KUMAR TIWARI

WRIT PETITION (M/S) No. 652 of 2017

**BETWEEN:**

M/s Hotel Sunrise,  
Library Road, Mussoorie. ....Petitioner  
(By Mr. Piyush Garg, Advocate)

**AND:**

Uttarakhand Environment  
Protection and Pollution  
Control Board and others. ...Respondents

(By Mr. Aditya Pratap Singh, Advocate for respondent  
nos. 1 & 2)

**JUDGMENT**

This Writ Petition has been filed by Hotel Sunrise, Library Road, Mussoorie, challenging the order dated 23.03.2017 passed by Uttarakhand Environment and Pollution Control Board, in exercise of power under Section 31-A of Air (Prevention and Control of Pollution) Act, 1981 and Section 33-A of Water (Prevention and Control of Pollution) Act, 1974. The said order provided for sealing of petitioner's hotel and he was asked to vacate the premises on or before 11:00 a.m. of 28.03.2017. The said order was passed against the petitioner, because it did not obtain consent to operate the hotel from Uttarakhand Environment Protection &

Pollution Control Board and it also not established Sewage Treatment Plant.

2. This Court had passed an interim order on 29.03.2017, whereby the effect & operation of the impugned order was put in abeyance, subject to fulfillment of certain conditions by the petitioner.

3. Learned counsel appearing for Uttarakhand Environment and Pollution Control Board submits that, pursuant to direction issued by this Court vide order dated 11.06.2019, officers of Uttarakhand Environment and Pollution Control Board had inspected the petitioner's hotel on 20.07.2019 and everything was found in order and Sewage Treatment Plant has also been established, which is operational. He further submits that consent to operate the hotel from Uttarakhand Environment Protection & Pollution Control Board was also found obtained by the petitioner, which is still valid.

4. Since the order impugned in the writ petition was passed on the ground that consent to operate the hotel from Uttarakhand Environment Protection & Pollution Control Board has not been obtained and Sewage Treatment Plant has not been established by the petitioner and, as per the statement of learned counsel appearing for Uttarakhand Environment and Pollution Control Board, petitioner has complied with both the conditions, therefore, the impugned order has lost its validity.

5. In such view of the matter, nothing survives in this writ petition.

6. Accordingly, the writ petition is dismissed as infructuous.

*Arpan*

**(MANOJ KUMAR TIWARI, J.)**