

processes as well as the raw material to be used and pollution control devices to be installed apart from overall functioning of the industries. It is the case of the applicant that they have paid all necessary fee and the recommendation made by the "Competent State Authority cum Site Appraisal Committee" has been fulfilled. In spite of the same, the State Pollution Control Board has not taken any decision.

It is in those circumstances, the applicants have approached this Tribunal for a direction to consider their applications. Even though, learned Counsel for SPCB would submit that the State of Punjab as a matter of policy has not taken any decision in this regard and the Government has not even appraised the consequences of the methodology to be used by these sort of industries and, therefore, the matter was pending for a policy decision at the government level.

It is also the stand of the SPCB that the said industries are carrying on their activities without any consent and without any permission from the authority concerned and the same should be treated as illegal. However by misrepresentation, an order has been obtained by one of the applicants for the purpose of restoring their electricity connection. Learned Counsel for the SPCB would submit that when the company is not actually carrying on its activities since consent has not been obtained, there is no necessity for electricity supply to them.

On the other hand, Mr. Takkar, learned Counsel for the applicants would submit that both the units are not carrying on any activities but the electricity supply is required only for the purpose of retaining workers who are employed by the industries and also the people who are occupying the unit for the purpose of its protection and security. Considering the above said aspects and without going into the merits of rival contentions made by

both the parties, we are of the view that the applications shall be disposed of with a direction to the SPCB to consider the applications made by both the units online and pass appropriate orders in accordance with law. Such orders shall be passed by the SPCB expeditiously in any event within a period of three weeks from the receipt of copy of this order.

We make it clear that depending upon the nature of the orders passed by the SPCB, it will be open to the applicants to operate or close the unit. Needless to state that in case there is any grievance against such order, it will be always open to the applicants to approach the appropriate authorities for redressal. With the above said observation, applications stand closed.

In the meantime, the State of Punjab shall finalize its policy decision so as to enable the SPCB to pass appropriate orders. All interlocutory applications stand closed, since the main application is disposed off.

In so far as it relates to the interim order passed by the Tribunal in granting the electricity connection in respect of one unit, the same shall continue in respect of both the units, however, subject to the condition that the electricity shall be used only for the purpose of the occupants and not for running the units.

We also make it clear as and when the SPCB come to know that the electricity connection is misused in the night or day time for running the unit or any part of it, the SPCB shall be entitled to close the unit without any further notice.

....., JM
(Dr. P. Jyothimani)

....., JM
(M.S. Nambiar)

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. (Dr.) P.C. Mishra)

....., EM
(Ranjan Chatterjee)

