

passed by the Hon'ble Odisha High Court dismissing writ petition No. WP (C) 3599 of 2015 holding that the writ petition filed by the Hotel Associations of Puri and Another was not maintainable in the light of the NGT Act, 2010. This, as per the applicant, relates to our order dt. 14.12.2015 whereby we had been informed that such a writ petition had been instituted in the Odisha High Court.

The affidavit is accepted and ordered to be taken on record.

On a perusal of the order, it appears that in the writ petition, several hotels, particularly hotels in Puri which are said to be 487 in number whose details were given by the State PCB in their affidavit dated 5.10.2015, were involved.

Since the impediments, which had been expressed on behalf of the State PCB in taking action against those hotels, no longer exist in view of the order passed by the Odisha High Court referred to above, the State PCB shall proceed further against these hotels and deal with them in accordance with law. Needless to state that the State PCB being a statutory authority is expected to exercise its powers in keeping with the principles of natural justice. The object of us issuing directions is to ensure compliance of the laws applicable to the hotels and not to create an embargo in the path of their progress. The State PCB shall ensure that each of the hotels is issued with notices, heard in person and the applications for consent disposed off

with the object to ensure compliance of laws without creating any hindrance to them.

We make it abundantly clear that the action shall be taken by the PCB in accordance with their statutory powers without reference to us irrespective of whether the hotels are parties before us or not in the spirit of our order dated 21.5.2016.

We also direct that the State PCB shall dispose of the applications for consent within a reasonable time, which shall certainly not beyond the period of four months as prescribed in sub-section 4 of Sec. 21 of the Air (Prevention and Control of Pollution) Act, 1981, the principle of which shall also apply to the Water (Prevention and Control of Pollution) Act, 1974 having regard to sub-section (7) of Sec. 27 of the said Act.

List on 17.10.2016.

.....
Justice S.P.Wangdi, JM

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