

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 933 of 2023
Decided on: 06.03.2023

M/s Maheswar Stone Washing & Crushing Industries

....Petitioner

Versus

State of H.P. Through its Secretary (Industries) & Ors

...Respondents

Coram

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹ No

For the petitioner	:	Mr. Sumeet Raj Sharma and Mr. Ritu Raj Sharma, Advocates.
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For the respondents	:	Mr. Anup Rattan, Advocate General with Mr. I.N. Mehta & Mr. Y.W. Chauhan, Senior Additional Advocate General with Mr. J.S. Guleria Deputy Advocate General and Mr. Rajat Chauhan, Law Officer for respondents No. 1 and 2.
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Mr. Maan Singh, Advocate, for respondent No.3.

Tarlok Singh Chauhan, Judge (Oral)

The instant petition has been filed for grant of the following substantive reliefs:-

***“a) Issue a writ in the nature of certiorari may kindly be issued and scrutiny details dated 08 Annexure P-2 may kindly be quashed and set aside.*”**

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

b) issue a writ thereby directing the respondents to permit the petitioner to operate their Stone Crushers, which are existing prior to Notifications dated 29.5.14 by renewing to operate.

c) quash and set aside the order dated 29.10.18 passed by the Ld. NGT in O.A No. 358/2016 titled as Bhag Singh vs. UOI & Ors.

2. The respondent Pollution Control Board has placed on record instructions which reveal that the case of the petitioner for renewal of the crusher unit has been rejected primarily on account of the orders passed by NGT in OA No. 358 of 2016 titled as **Bhag Singh** versus **Union of India and Ors.**

3. Now that the legal position regarding the order passed in Bhag Singh's case (supra) stands clarified in the order passed by this bench in **CWP No. 3711 of 2021** titled as **M/s Ghangal Stone Crusher vs. State of Himachal Pradesh & Ors**, decided on 16.08.2021, the present petition is disposed of with a direction to the respondent to consider the application submitted by the petitioner for the renewal of stone crusher strictly in accordance with the orders within a period of four weeks' from today.

4. For compliance, to come up on **3rd April, 2023**.

(Tarlok Singh Chauhan)
Judge

(Virender Singh)
Judge

6th March, 2023
(himani)