

**BEFORE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI (SZ)**

**Appeal No.32 of 2023**

M/s KK Industries

...Appellant

-Vs-

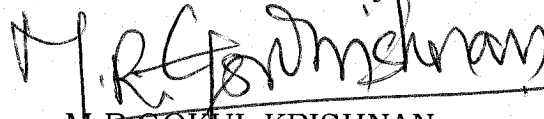
Karnataka State Pollution Control Board & another

...Respondents

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Dated at Chennai on this the 14<sup>th</sup> day of December, 2024



M.R.GOKUL KRISHNAN

COUNSEL FOR THE 1<sup>st</sup> RESPONDENT  
(KSPCB)

**BEFORE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI (SZ)**

**Appeal No.32 of 2023**

M/s KK Industries

...Appellant

-Vs-

Karnataka State Pollution  
Control Board & Another

...Respondents

**MEMO FILED ON BEHALF OF THE 1<sup>ST</sup> RESPONDENT**

IT IS MOST RESPECTFULLY SHOWETH;

1. It is submitted that this above Appeal. No. 32 of 2023 (M/s. KK Industries Vs Karnataka State Pollution Control Board & Another) is filed seeking to set aside the order/Notice dated 12.07.2023 passed by the Karnataka Pollution Control Board against the appellant by imposing Environmental Compensation (EC) for the Non-Compliances under the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1983.
2. It is submitted that the Petitioner had simultaneously filed Writ Petition in WP.NO.20573 OF 2023 seeking to quash the Order/Demand Notice Dated 12.07.2023 issued by the Respondent No.2 (Karnataka State Pollution Control Board) directing the petitioner to pay an Environment Compensation of Rs.2,44,50,000/- (Rupees Two Crore Forty Four Lakh Fifty Thousand).

3. It is submitted that the Hon'ble High Court of Karnataka in its order dated 04.07.2024(Annexure -1)was pleased to pass the following order:

- I. The respective cases are remitted back to the respondent Karnataka State Pollution Control Board.
- II. In each petition, the Demand Notice which is detailed in the tabular form in paragraph 7 shall be treated as show-cause-notice issued by the State pollution Control Board.
- III. The petitioner concerned shall be permitted to file its reply which may be filed within two weeks from the date of receipt of the present order.
- IV. The respondent- State Pollution Control Board shall consider the reply and the defense of the respective petitioners.
- V. The board shall give them opportunity of hearing.
- VI. The board shall intimate the date of the petitioner concerned in this regard.
- VII. The petitioner shall be entitled to raise all the contentions, both on facts and in law, against the impugned Demand Notices asking for payment of interim Environment Compensation.
- VIII. The Respondent-State Pollution Control Board after affording opportunity to the petitioners, as above, shall pass appropriate orders in accordance with law.
- IX. The entire exercise shall be completed within a total period of ten weeks from the date of receipt of the order.
- X. In order to enable the State Pollution Control Board to undertake the aforesaid exercise of treating the demand notice, to be show-cause-notices and giving the opportunity to the petitioners of having heard and pass fresh orders, the demand notices impugned in each of the respective petitioner are hereby set aside.
- XI. It is clarified that the court has not gone into the merits of the case of the petitioner nor has expressed any opinion on the merits.

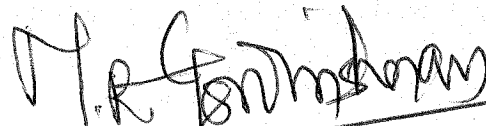
- XII. All the contentions raised by the petitioner before the State Pollution Control Board shall be considered by the Board in accordance with law and on their own merits.
- XIII. All the petitions are disposed of in terms of the above directions."

4. It is submitted that in compliance to the order of Hon'ble High Court of Karnataka, the 1<sup>st</sup> Respondent had issued a notice for personal hearing in Letter No: KSPCB/SEO/NEIA/PH/2024-2025/3773 dated 10.12.2024 to the Appellant. (Annexure-II)

5. It is submitted in view of the order of Hon'ble High Court of Karnataka in WP.No.20513/2023, the instant appeal before the Hon'ble Tribunal in Appeal.No.32 of 2023 has become infructuous.

Therefore it is humbly prayed that this Hon'ble Tribunal may be pleased to record above mentioned facts and Close the Appeal or pass such order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Dated at Chennai on this the 14<sup>th</sup> day of December 2024.



Counsel for the 1<sup>st</sup> Respondent

KSPCB



NC: 2024:KHC:31890-DB  
WP No. 5389 of 2020  
c/w WP Nos. 9941/2021, 19984/2023  
20288/2023, 20351/2023, 20393/2023,  
20573/2023, 5224/2024 & 5674/2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4<sup>TH</sup> DAY OF JULY, 2024

PRESENT

THE HON'BLE MR N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT PETITION NO.5389/2020 C/W

WRIT PETITION NOS.9941/2021, 19984/2023, 20288/2023,

20351/2023, 20393/2023, 20573/2023, 5224/2024

AND 5674/2024 (GM-POL)

IN W.P. NO. 5389/2020

BETWEEN:

1. M/S. SANSERA ENGINEERING LIMITED  
(EARLIER KNOWN M/S. GEAROCK FORGE  
PRIVATE LIMITED  
WHICH MERGED WITH SANSERA  
ENGINEERING LIMITED)  
NO.143 B8, B8 PPART AND 143  
C2 PART 1, 2 AND 3  
BOMMASANDRA INDUSTRIAL AREA  
HOSUR ROAD, ATTIBELE HOBLI  
ANEKAL TALUK  
BANGALORE URBAN DISTRICT - 560 099  
REPRESENTED BY ITS  
COMPANY SECRETARY  
MR. RAJESH KUMAR MODI

...PETITIONER

(BY SRI S.S. NAGANAND, SENIOR ADVOCATE A/W  
SRI ARIHANT R. SUNGAY, ADVOCATE AND  
SMT. SUMANA NAGANAND, ADVOCATE)

Digitally  
signed by  
AMBIKA H B

Location:  
High Court  
of Karnataka



**NC: 2024:KHC:31890-DB**  
**WP No. 5389 of 2020**  
**c/w WP Nos. 9941/2021, 19984/2023**  
**20288/2023, 20351/2023, 20393/2023,**  
**20573/2023, 5224/2024 & 5674/2024**

AND:

1. THE KARNATAKA STATE POLLUTION  
CONTROL BOARD  
PARISARA BHAVANA  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
# 49, CHURCH STREET  
BENGALURU - 560 001  
REPRESENTED BY ITS  
MEMBER SECRETARY
  
2. ENVORIONMENTAL OFFICER  
REGIONAL OFFICE SARJAPURA  
KARNATAKA STATE POLLUTION  
CONTROL BOARD  
"NISARGA BHAVAN", 3<sup>RD</sup> FLOOR  
THIMMAIAH ROAD  
7<sup>TH</sup> 'D' MAIN ROAD, SHIVANAGAR  
BANGALORE - 560 010

...RESPONDENTS

(BY SRI A. MAHESH CHOWDHARY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION AGAINST THE RESPONDENTS AND QUASH THE DEMAND NOTICE DATED 17.02.2020 ISSUED BY RESPONDENT No.2 (ANNEXURE-A) AND ETC.

**IN W.P. NO. 9941/2021**

BETWEEN:

1. CIE AUTOMOTIVE INDIA LIMITED  
EARLIER M/S. FORGE PVT LTD.  
HAVING ITS UNIT AT NO. 9C  
BOMMASANDRA INDUSTRIAL AREA  
HOSUR ROAD, ANEKAL TALUK  
BANGALORE – 560 009  
REP. BY ITS



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**20573/2023, 5224/2024 & 5674/2024**

GENERAL MANAGER - HR ADMIN  
MR. K CHANDRA SHEKAR

...PETITIONER

(BY SRI S.S. NAGANAND, SENIOR ADVOCATE A/W  
SRI ARIHANT R. SUNGAY, ADVOCATE FOR  
MS. SUMANA NAGANAND, ADVOCATE)

AND:

1. THE KARNATAKA STATE POLLUTION  
CONTROL BOARD  
PARISARA BHAVANA  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
NO. 49, CHURCH STREET  
BENGALURU – 560 001  
REP. BY ITS MEMBER SECRETARY

2. ENVIRONMENTAL OFFICER  
REGIONAL OFFICE SARJAPURA  
KARNATAKA STATE POLLUTION  
CONTROL BOARD  
"NISARGA BHAVANA"  
3<sup>RD</sup> FLOOR, THIMMAIAH ROAD  
7<sup>TH</sup> D MAIN ROAD  
SHIVANAGAR  
BANGALORE - 560 010

...RESPONDENTS

(BY SRI A. MAHESH CHOWDHARY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH NOTICE  
DATED 31.01.2020 ISSUED BY RESPONDENT No.1 ANNEXURE-A &  
ETC.

**IN W.P. NO. 19984/2023**

BETWEEN:

1. ARON UNIVERSAL LTD.  
25/1, 2<sup>ND</sup> PHASE



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**20573/2023, 5224/2024 & 5674/2024**

JIGANI INDL. AREA  
JIGANI  
BANGALORE – 560 105  
REP. BY ITS AUTHORISED PERSON  
SUNIL VARGHESE

...PETITIONER

(BY SRI SHIVARAJ N. ARAI, ADVOCATE)

AND:

1. THE KARNATAKA STATE POLLUTION  
CONTROL BOARD  
PARISARA BHAVANA  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
NO.49, CHURCH STREET  
BENGALURU – 560 001  
REP. BY ITS MEMBER SECRETARY
  
2. THE ENVIRONMENTAL OFFICER  
KSPCB REGIONAL OFFICE-ANEKAL  
NISARGA BHAVAN  
THIMMAIAH ROAD  
7<sup>TH</sup> D MAIN, SHIVANAGAR  
BENGALURU – 560 058

...RESPONDENTS

(BY SRI A. MAHESH CHOWDHARY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING BY WRIT OF CERTIORARI ANNEXURE-A, ORDER/DEMAND NOTICE DATED 12/07/2023 PASSED BY THE 2<sup>ND</sup> RESPONDENT, IMPOSING AND DIRECTING THE PETITIONER TO PAY WITHIN FIFTEEN DAYS, INTERIM ENVIRONMENT COMPENSATION OF RS.5,04,90,000/- (RUPEES FIVE CRORE FOUR LAKHS NINETY THOUSAND ONLY) BY DEMAND DRAFT IN FAVOUR OF MEMBER SECRETARY, KSPCB, BENGALURU & ETC.



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**20573/2023, 5224/2024 & 5674/2024**

**IN W.P. NO. 20288/2023**

**BETWEEN:**

1. M/S ARIHANT METALS &  
EXTRUDED PRIVATE LIMITED  
NO.9-L, YARADAHALLI BOMMASANDRA 1  
ST PHASE  
BOMMASANDRA INDUSTRIAL AREA  
ANEKAL TALUK  
BENGALURU – 560 099  
REPRESENTED BY ITS  
MANAGING DIRECTOR  
PRAKASH KANUNGA

...PETITIONER

(BY SRI P. ANAND & SRI ANKITH JAIN, ADVOCATES)

**AND:**

1. THE KARNATAKA STATE POLLUTION  
CONTROL BOARD  
PARISARA BHAVANA  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
NO.49, CHURCH STREET  
BENGALURU – 560 001  
REPRESENTED BY ITS  
MEMBER SECRETARY
2. THE ENVIRONMENTAL OFFICE  
KARNATAKA STATE POLLUTION  
CONTROL BOARD  
REGIONAL OFFICE:  
BANGALORE-ANEKAL  
2<sup>ND</sup> FLOOR, "NISARGA BHAVAN"  
7<sup>TH</sup> D CROSS, THIMMAIAH ROAD  
SANGEGORAVANAHALLI  
SHIVANAGAR  
BENGALURU – 560 010

...RESPONDENTS

(BY SRI A. MAHESH CHOWDHARY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE



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**20573/2023, 5224/2024 & 5674/2024**

ORDER/DEMAND NOTICE DATED 12.07.2023 ISSUED  
RESPONDENT No. 2 DIRECTING THE PETITIONER TO PAY AN  
ENVIRONMENT COMPENSATION OF Rs.1,82,25,000/- (RUPEES ONE  
CRORE EIGHTY TWO LAKH TWENTY FIVE THOUSAND ONLY) (IN  
ANNEXURE-A) & ETC.

**IN W.P. NO. 20351/2023**

**BETWEEN:**

1. M/S RATNA ENTERPRISES  
NO 85-C1, 1<sup>ST</sup> PHASE,  
JIGANI INDUSTRIAL AREA, ANEKAL TALUK,  
BENGALURU – 560 106  
REPRESENTED BY ITS PARTNER  
MR. HARI NARAYAN

...PETITIONER

(BY SRI P ANAND & SRI ANKITH JAIN, ADVOCATES)

**AND:**

1. KARNATAKA STATE POLLUTION CONTROL BOARD  
PARISARA BHAVANA  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
No. 49, CHURCH STREET  
BENGALURU – 560 001  
REPRESENTED BY ITS  
MEMBER SECRETARY
2. THE ENVIRONMENTAL OFFICE  
KARNATAKA STATE POLLUTION CONTROL BOARD,  
REGIONAL OFFICE  
BANGALORE – ANEKAL  
2<sup>ND</sup> FLOOR, “NISARGA BHAVAN”  
7<sup>TH</sup> D CROSS, THIMMAIAH ROAD  
SANEGORAVANAHALLI  
SHIVANAGAR  
BENGALURU - 560 010

...RESPONDENTS

(BY SRI A. MAHESH CHOWDHARY, ADVOCATE)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER/DEMAND NOTICE DATED 12/07/2023 ISSUED RESPONDENT NO.2 DIRECTING THE PETITIONER TO PAY AN ENVIRONMENT COMPENSATION OF RS.81,60,000/- (RUPEES EIGHTY ONE LAKH SIXTY THOUSAND ONLY) (IN ANNEXURE-A) & ETC.

**IN W.P. NO. 20393/2023**

**BETWEEN:**

1. M/S RAMSONS GARMENT FINISHING  
EQUIPMENTS PRIVATE LIMITED  
(M/S IFB INDUSTRIES)  
NO.3B AND C  
BOMMASANDRA INDUSTRIAL AREA  
ANEKAL TALUK  
BANGALORE – 560 099  
REP BY ITS DIRECTOR -  
CHAND BELANI

...PETITIONER

(BY SRI GOUTHAM S. BHARADWAJ & SRI P. ANAND, ADVOCATES)

**AND:**

1. KARNATAKA STATE POLLUTION  
CONTROL BOARD  
PARISARA BHAVANA  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
NO.49, CHURCH STREET  
BENGALURU – 560 001  
REP. BY ITS MEMBER SECRETARY
2. THE ENVIRONMENTAL OFFICE  
KARNATAKA STATE POLLUTION  
CONTROL BOARD  
REGIONAL OFFICE,  
BANGALORE-ANEKAL, 2<sup>ND</sup> FLOOR



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"NISARGA BHAVAN"  
7<sup>TH</sup> 'D' CROSS, THIMMAIAH ROAD  
SANEGORAVANAHALLI  
SHIVANAGAR  
BENGALURU – 560 010

...RESPONDENTS

(BY SRI A. MAHESH CHOWDHARY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER/DEMAND NOTICE DATED 13.07.2023 ISSUED RESPONDENT No. 2 DIRECTING THE PETITIONER TO PAY AN ENVIRONMENT COMPENSATION OF Rs.3,73,95,000/- (RUPEES THREE CRORE SEVENTY THREE LAKH NINETY FIVE THOUSAND ONLY) (IN ANNEXURE-A) & ETC.

**IN W.P. NO. 20573/2023**

**BETWEEN:**

1. M/S K K INDUSTRIES  
NO. 162-A, BOMMASANDRA-JIGANI  
LINK ROAD, BANGALORE – 560 105  
REPRESENTED BY ITS  
MANAGING PARTNER  
KAMAL BHANDARI

...PETITIONER

(BY SRI GOUTHAM S. BHARADWAJ & SRI P. ANAND, ADVOCATES)

**AND:**

1. KARNATAKA STATE POLLUTION  
CONTROL BOARD  
PARISARA BHAVANA  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
NO.49, CHURCH STREET  
BENGALURU – 560 001  
REPRESENTED BY ITS  
MEMBER SECRETARY



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2. THE ENVIRONMENTAL OFFICE  
KARNATAKA STATE POLLUTION  
CONTROL BOARD  
REGIONAL OFFICE  
BANGALORE-ANEKAL  
2<sup>ND</sup> FLOOR, "NISARGA BHAVAN"  
7<sup>TH</sup> D CROSS  
THIMMAIAH ROAD  
SANEGORAVANAHALLI  
SHIVANAGAR  
BENGALURU – 560 010

...RESPONDENTS

(BY SRI A. MAHESH CHOWDHARY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER/DEMAND NOTICE DATD 12.07.2023 ISSUED RESPONDENT No. 2 DIRECTING THE PETITIONER TO PAY AN ENVIRONMENT COMPENSATION OF Rs.2,44,50,000/- (RUPEES TWO CRORE FORTY FOUR LAKH FIFTY THOUSAND) (IN ANNEXURE-A) & ETC.

**IN W.P. NO. 5224/2024**

**BETWEEN:**

1. GRG FINE FOODS PVT. LTD.  
PLOT NO. 121H  
BOMMASANDRA INDUSTRIAL AREA  
HOSUR ROAD  
ANEKAL TALUQ  
BENGALURU - 560 099  
REPRESENTED BY ITS  
DIRECTOR  
MR. SATHYA PRAKASH G.

...PETITIONER

(BY SRI B.C. TIRUVENGADAM, SENIOR ADVOCATE A/W  
SRI MANIK B.T., ADVOCATE)



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**20573/2023, 5224/2024 & 5674/2024**

AND:

1. THE STATE OF KARNATAKA  
MINISTRY OF ENVIRONMENT  
AND FORESTS  
KARNATAKA GOVERNMENT SECRETARIAT  
ROOM NO. 448, 4<sup>TH</sup> FLOOR  
GATE NO. 2, M.S. BUILDING  
BENGALURU – 560 001  
REPRESENTED BY ITS  
CHIEF SECRETARY
  
2. KARNATAKA STATE ENVIRONMENT  
APPELLATE AUTHORITY  
M.S. BUILDING  
BENGALURU – 560 001  
REPRESENTED PRESENTLY  
BY ITS SECRETARY  
BENGALURU - 560 001
  
3. THE KARNATAKA STATE POLLUTION  
CONTROL BORAD  
PARISARA BHAVANA  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR,  
48 CHURCH STREET  
BENGALURU - 560 001  
REPRESENTED BY ITS  
MEMBER SECRETARY

...RESPONDENTS

(BY SRI A. MAHESH CHOWDHARY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF THE  
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF  
MANDAMUS DIRECTING THE 1<sup>ST</sup> RESPONDENT TO CONSTITUTE/  
FILL THE VACANCIES IN THE KARNATAKA STATE APPELLATE  
AUTHORITY, BENGALURU UNDER SECTION 28 WATER  
(PREVENTION AND CONTROL OF POLLUTION) ACT 1974 AND ETC.



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**IN W.P. NO. 5674/2024**

**BETWEEN:**

1. V. RANGANATH  
S/O R. VARDHA REDDY  
AGED ABOUT 70 YEARS  
R/O NO.551, 12<sup>TH</sup> CROSS  
IDEAL HOMES SOCIETY LAYOUT  
RAJARAJESHWARI NAGAR  
BANGALORE - 560 098

...PETITIONER

(BY SRI SHRAVAN MADHAV K.P., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST,  
ECOLOGY AND ENVIRONMENT  
ROOM NO.709, 7<sup>TH</sup> FLOOR  
GATE NO.4, M.S. BUILDING  
BANGALORE - 560 001
2. SENIOR ENVIRONMENTAL OFFICER  
KARNATAKA STATE POLLUTION  
CONTROL BOARD  
ZONAL OFFICE BANGALORE CITY  
3<sup>RD</sup> FLOOR, 'NISARGA BHAVAN'  
7<sup>TH</sup> 'D' CROSS, THIMMAIAH ROAD  
SHIVANAGAR  
BANGALORE - 560 079
3. REGIONAL OFFICER  
KARNATAKA STATE POLLUTION  
CONTROL BOARD  
REGIONAL OFFICE BANGALORE CITY WEST  
1<sup>ST</sup> FLOOR, 'NISARGA BHAVAN'  
7<sup>TH</sup> 'D' CROSS, THIMMAIAH ROAD  
SHIVANAGAR  
BANGALORE - 560 079
4. THE CHAIRMAN  
KARNATAKA STATE POLLUTION



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**20573/2023, 5224/2024 & 5674/2024**

CONTROL BOARD  
'PARISARA BHAVAN'  
1<sup>ST</sup> TO 5<sup>TH</sup> FLOOR  
#49, CHURCH STREET  
BANGALORE - 560 001

5. THE ENVIRONMENTAL OFFICER  
KARNATAKA STATE POLLUTION  
CONTROL BOARD  
REGIONAL OFFICE  
BENGALURU CITY WEST  
1<sup>ST</sup> FLOOR, D CROSS  
THIMMAIAH ROAD  
SHIVANAGAR  
BENGALURU - 560 079

6. KARNATAKA STATE POLLUTION  
CONTROL BOARD  
CENTRAL ENVIRONMENTAL LABORATORY  
REPRESENTED BY ITS  
AUTHORIZED OFFICER  
KSPCB, "NISRAGA BHAVANA"  
7<sup>TH</sup> D CROSS, THIMMAIAH ROAD  
SHIVANAGAR,  
BENGALURU - 560 079

...RESPONDENTS

(BY SRI S.S. MAHENDRA, GOVERNMENT ADVOCATE FOR R1 &  
SRI A. MAHESH CHOWDHARY, ADVOCATE FOR R2 TO 5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF THE  
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE  
NATURE OF CERTIORARI OR ANY OTHER WRIT OR ORDER  
QUASHING THE IMPUGNED LETTER DATED 17.01.2024 ISSUED  
RESPONDENT No. 5 (AT ANNEXURE-AS) AND ETC.

THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY,  
ORDER WAS MADE THEREIN AS UNDER:



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20573/2023, 5224/2024 & 5674/2024**

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE  
N. V. ANJARIA  
and  
HON'BLE MR JUSTICE KRISHNA S DIXIT

**ORAL ORDER**

(PER: HON'BLE THE CHIEF JUSTICE  
MR. JUSTICE N. V. ANJARIA)

In all these nine writ petitions, the issue is identical and the contentions are common. They were heard together and are disposed of by this common order.

2. Heard learned Senior Advocate Mr. S.S. Naganand assisted by learned advocate Mr. Arihant R. Sungay for learned advocate Smt. Sumana Naganand for the petitioners in Writ Petition No.5389 of 2020 and Writ Petition No.9941 of 2021, learned advocate Mr. Shivaraj N. Arali for the petitioner in Writ Petition No.19984 of 2023, learned advocates Mr. P. Anand and Mr. Ankith Jain for the petitioners in Writ Petition No.20288 of 2023 and Writ Petition No.20351 of 2023, learned advocates Mr. Goutham S. Bharadwaj and Mr. P. Anand for the petitioners in Writ Petition No.20393 of 2023 and Writ Petition No.20573 of 2023, learned Senior Advocate Mr. B.C. Tiruvengadam assisted by learned advocate Mr. B.T. Manik for the petitioner in Writ Petition No.5224 of 2024, learned



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advocate Mr. K.P. Shravan Madhav for the petitioner in Writ Petition No.5674 of 2024.

2.1 Learned advocate Mr. Mahesh A. Chowdhary was heard on behalf of the respondent-the Karnataka State Pollution Control Board as also learned Additional Government Advocate Mr. S.S. Mahendra for the State and its authorities in all the petitions.

3. Writ Petition No.5389 of 2020 is treated as lead matter for the purpose of recording basic facts what is prayed in the petition is to set aside the Demand Notice dated 17.02.2020 issued by respondent No.2-Environmental Officer of the Karnataka State Pollution Control Board. The said Demand Notice imposes Interim Environmental Compensation of Rs.1 crore on the petitioner-industry. It is stated that the petitioner-industry falls under Large Orange category as per the order passed by the National Green Tribunal (NGT). The notice requires the petitioner to pay the said amount failing which, it is stated, action under the provisions of law would be initiated.

3.1 The case of this petitioner is that it is one of the leading automotive component manufacturer company which started its



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commercial production in the year 1987. It has the key business area of Precise Forged and Machined Engine components used in the automotive industry. The predecessor company of the petitioner was M/s. Gearock Forge Private Limited which merged with the petitioner-company. It is claimed that the petitioner-company has been functioning in accordance with the norms and is compliant with the provisions of the different pollution control laws.

3.2 While the individual facts relating to the different petitioners may vary, the challenge is common by all the petitioners to whom the respondent-Environmental Officer of the State Pollution Control Board has issued the Demand Notices asking them to pay the Interim Environmental Compensation. The basic facts virtually run parallel. For the reasons stated in the notices which pertain to alleged violations of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and the Rules framed under the Environment (Protection) Act, 1986, further alleging that the operation of the industry contributed to pollution in the surrounding environment by contaminating air, water and soil.



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3.3 The details of different petitioners, date of the Demand Notices and the amount demanded towards the Interim Environmental Compensation are given in the tabular form as under,

<u>Case No.</u>	<u>Name of the petitioner</u>	<u>Date of the impugned Demand Notice</u>	<u>Amount of Interim Environmental Compensation demanded</u>
W.P.No.5389/2020	M/s.Sansera Engineering Limited	17.02.2020	Rs.1,00,00,000/-
W.P.No.9941/2021	CIE Automotive India Limited	31.01.2020	Rs.1,00,00,000/-
W.P.No.19984/2023	Aron Universal Ltd.,	12.07.2023	Rs.5,04,90,000/-
W.P.No.20288/2023	M/s. Arihant Metals & Extruded Private Limited	12.07.2023	Rs.1,82,25,000/-
W.P.No.20351/2023	M/s. Ratna Enterprises	12.07.2023	Rs. 81,60,000/-
W.P.No.20393/2023	M/s. Ramsons Garmet Finishing Equipments Private Limited	13.07.2023	Rs.3,73,95,000/-
W.P.No.20573/2023	M/s. KK Industries	12.07.2023	Rs.2,44,50,000/-
W.P.No.5224/2024	GRG Fine Foods Private Limited	05.01.2024	Rs. 31,50,000/-
W.P.No.5674/2024	V. Ranganath	17.01.2024	Rs. 68,62,500/-



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3.4 One of the common ground for Interim Environmental Compensation in all the Demand Notices to the different petitioners is that the notices are issued pursuant to the directions issued by the NGT in the order dated 10.07.2019 read with the order dated 14.11.2019 in Original Application No.1038 of 2018.

4. On behalf of the respective petitioners, learned advocates raised the following contentions,

(i) The demand of Interim Environmental Compensation from the petitioners is wrongly based on the orders of the NGT in Original Application No.1038 of 2018. The said orders do not contain any such direction and it is not applicable to the facts of the case of the petitioners.

(ii) The order of the NGT only directs the Central Pollution Control Board in coordination with the State Pollution Control Board to prohibit polluting operations in severely polluted areas and assess the compensation to be recovered from such industries.

(iii) The petitioners are not located in the areas covered under the directions of the NGT. The impugned notices, therefore, suffer from non-application of mind.



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(iv) The Demand Notices are issued unilaterally without affording any opportunity to the petitioners to put forth their case and raise the defence against the demand of Interim Environmental Compensation. Therefore, they are in breach of natural justice and not liable to be sustained on that ground alone.

(v) The respondents have misguided themselves in applying the parameters applicable to the residential zone instead of applying the parameters applicable to the industrial zone.

4.1 Several other contentions came to be advanced on the basis of the grounds pleaded in the respective petitions. In the first mentioned writ petition it was also the case, like in several others, that the closure order passed against the petitioner-unit earlier came to be set aside in the writ proceedings. Therefore, there was no good reason for the respondent-State Pollution Control Board to issue such Demand Notices. It is the common ground urged by all the petitioners that their industrial units have been functioning by complying with the pollution laws and norms fixed by the State Pollution Control Board.



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4.2. The first decision which was relied on by the petitioners was in **M/s. Paragon Polymers Products Private Limited Vs. the Karnataka State Pollution Control Board** which was Writ Petition No.5847 of 2020 and cognate petitions decided by the Division Bench of this Court on 16.03.2020. In that, the challenge was to similar notices issued by the State Pollution Control Board asking to pay the Interim Environmental Compensation or Environmental Compensation based on the orders of the NGT in Original Application No.1038 of 2018. The demand was set aside by the Court on the ground that the Board failed to justify the demand with reference to any statutory provision. The State Pollution Control Board was, however, permitted to take action in accordance with law, if the petitioner-unit was found to have committed any violation of the provisions of the Air Act or the Water Act.

4.3 Another decision relied on was in **Suhas S. Kulkarni Vs. Karnataka State Pollution Control Board** in Writ Petition No.22831 of 2021 decided on 08.11.2022 in which, notice issued under Section 33A of the Water Act was challenged. The said petition was dismissed on the ground of alternate remedy available under Section 33B of the Water Act.



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4.4 The order on the similar lines was passed in **M/s. Southern Bakeries Pvt. Ltd. Vs. The Karnataka State Pollution Control Board** being Writ Petition No.22918 of 2023 decided on 02.11.2023, therein the Court disposed of the petition with liberty to the petitioner to avail the remedy of appeal under Section 33B of the Water Act.

4.5 In Writ Petition No.22120 of 2023 which was in **Hikal Limited Vs. Karnataka State Pollution Control Board** decided on 10.10.2023, the order on similar line was passed treating the Demand Notice for Environmental Compensation to be a show-cause-notice, to afford the opportunity to the petitioner to submit its reply and directing the authorities to pass the order.

4.6 In course of the hearing, all the learned advocates for the petitioners submitted also that the respective petitioner may be permitted to raise all the permissible grounds before the respondent-Karnataka State Pollution Control Board since the Demand Notices have been unilaterally issued without notice to them.



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5. Having considered the grounds raised in the memorandum of respective petitions, upon hearing learned counsels for the parties and further noticing the orders passed in **M/s. Paragon Polymers Products (*supra*)**, the Court is of the view that since the petitioners' case *inter alia* is that they were not heard before passing the respective impugned Demand Notices and that they had no opportunity to put forward their respective case, interests of justice would be subserved if the order is passed to remit back the cases.

5.1 The below-mentioned directions are issued,

- (i) The respective cases are remitted back to the respondent-Karnataka State Pollution Control Board.
- (ii) In each petition, the Demand Notice which are detailed in the tabular form in paragraph 7 shall be treated as show-cause-notice issued by the State Pollution Control Board.
- (iii) The petitioner concerned shall be permitted to file its reply which may be filed within two weeks from the date of receipt of the present order.



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- (iv) The respondent-State Pollution Control Board shall consider the reply and the defence of the respective petitioners.
- (v) The Board shall give them opportunity of hearing.
- (vi) The Board shall intimate the date to the petitioner concerned in this regard.
- (vii) The petitioners shall be entitled to raise all the contentions, both on facts and in law, against the impugned Demand Notices asking for payment of Interim Environmental Compensation.
- (viii) The respondent-State Pollution Control Board after affording opportunity to the petitioners, as above, shall pass appropriate orders in accordance with law.
- (ix) The entire exercise shall be completed within a total period of ten weeks from the date of receipt of the order.
- (x) In order to enable the State Pollution Control Board to undertake the aforesaid exercise of treating the Demand Notices, to be show-cause-notices and giving opportunity to the petitioners of having heard and pass fresh orders, the Demand Notices impugned in each of the respective petitions are hereby set aside.



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6. It is clarified that the Court has not gone into the merits of the case of the petitioners nor has expressed any opinion on the merits.

6.1 All the contentions raised by the petitioners before the State Pollution Control Board shall be considered by the Board in accordance with law and on their own merits.

7. All the petitions are disposed of in terms of the above directions.

In view of disposal of the petitions, the interlocutory applications would not survive and they stand accordingly disposed of.

**Sd/-  
(N. V. ANJARIA)  
CHIEF JUSTICE**

**Sd/-  
(KRISHNA S DIXIT)  
JUDGE**

AHB



## ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

“ಪರಿಸರ ಭವನ”, 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಭಾರತ  
“Parisara Bhavan”, 1st to 5th Floor, # 49, Church Street, Bangalore - 560 001, Karnataka State, India

No: KSPCB/SEO/NEIA/PH/2024-25/ 3773

Date: 10 DEC 2024

To,

The Occupier,  
M/s. K K Industries  
No.162-A, Bommasandra Jigani Link Road,  
Bengaluru- 560 105



**Sub:** Personal Hearing to the industries for Environmental Compensation (EC) levied for non-complying industries - reg

**Ref:** 1. Interim Demand notice for Environmental Compensation (EC) levied to the industry dated: 12.07.2023.

2. Hon'ble High Court Order bearing WP No.20573/2023.

3. Hon'ble High Court of Karnataka order dated: 04.07.2024

\*\*\*\*

With reference to the above subject, Regional Office, Anekal have levied Environmental Compensation for non-complied/defaulting industries for the past 5 years violations which are located in the CEPI/Chandapura Lake catchment area. The Demand notice is issued to the industry on 12.07.2023 to pay the Environmental Compensation of Rs. 2,44,50,000/- ( Rupees Two Crores Fought Four Lakhs Fifty Thousands only) vide ref (1).

Whereas, the industry have approached Hon'ble High Court order bearing WP No. 20573/2023 and requested to revoke the demand notice issued and drop all the proceedings vide ref (2).

In this regards, the Hon'ble High Court of Karnataka order vide cited under ref (3) dated: 04.07.2024 directed that the Board shall give them opportunity of hearing and “the State Pollution Control Board to undertake the aforesaid exercise of treating the Demand Notices, to be show-cause-notice and giving opportunity to the petitioners of having heard and pass fresh order, the Demand Notices impugned in each of the respective petition are hereby set aside

In view of the above, you are hereby called to attend Personal Hearing before the **Chairman of the Board on 26.12.2024 at 12.40 PM in the Board Meeting Hall, 3<sup>rd</sup> Floor, Karnataka State Pollution Control Board, No. 49, “Parisara Bhavana”, Church Street, Bangalore – 560 001** as an opportunity being heard. Only the Occupier of the industry, who

can take decision, shall attend the personal hearing along with complete details, failing which an ex-party decision will be taken.

**Yours faithfully**

**Sd/-  
CHIEF ENVIRONMENTAL OFFICER**

**Copy To:**

1. The Chief Environmental Officer (CEO) -2 Infra Cell to attend the hearing.
2. The SEO – NEIA Section for information and to attend the personal hearing
3. The Regional Senior Environmental Officer – Bengaluru South, for information and to attend the hearing.
4. The Environmental Officer, Sri.Guru Dev Prakash, Infra Cell to attend the hearing.
5. The Environmental Officer, Regional Office – Anekal to attend the personal hearing with all details along with latest status of the industry.
6. The PA to Chairman for information and to bring to notice of Chairman.
7. The PA to Member Secretary for information.
- ✓ 8. Case file

  
**CHIEF ENVIRONMENTAL OFFICER**