



2026:AHC-LKO:15927-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2101 of 2026

Bikanervala Foods Pvt. Ltd. Thru Auth. Rep. Mr.
R.K.Srivastava

.....Petitioner(s)

Versus

State Of U.P. Thru Prin.Secy. Environment
Forests And Climate Change Lucknow And Ors.

.....Respondent(s)

Counsel for Petitioner(s) : Kazim Ibrahim, Raman Chandra
Srivastava

Counsel for Respondent(s) : C.S.C., Ashok Kumar Verma

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Today itself, a similar writ petition by this very writ petitioner albeit in the context of another order dated 06.12.2024 pertaining to another unit of the petitioner has been allowed on the ground of non adherence to the principles of natural justice. The said order reads as under:-

"1. After hearing the learned counsel for the parties, what comes out is that the impugned order dated 06.12.2024 has been passed against the petitioner imposing environment compensation to the tune of Rs. 14,30,000/- for the reasons mentioned therein, however, the reply dated 23.09.2024 of the petitioner to the show cause notice dated 09.08.2024 and the documents etc. annexed with it have not been considered at all while passing the impugned order. Post issuance of show cause notice certain reports were requisitioned from the the Regional Office, which were received on 09.11.2024, which have been referred in the impugned order but a copy of the same was also not provided to the petitioner. No hearing was given as is claimed.

2. On being confronted, learned counsel for the Pollution Control Board fairly submitted that hearing as is required does not appear to have been provided, therefore, liberty be granted to pass a fresh order.

3. *In view of the above discussion, we quash the impugned order dated 06.12.2024 with liberty however to the concerned authority to pass a fresh order, as there is apparent violation of principle of natural justice, therefore, even though there is statutory appeal under Section 33-B of the Water (Prevention and Control of Pollution) Act, 1974, in view of the decision of Hon'ble The Supreme Court in the case of **Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and others; 1998 (8) SCC 1:AIR 1999 SC 22**, we have entertained this writ petition and have quashed the impugned order as aforesaid.*

4. Accordingly, the writ petition is allowed."

2. In this case also, an order has been passed under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 imposing environment compensation of Rs. 13,40,000/- for the reasons mentioned therein, however, without considering the reply of the petitioner to the show cause notice and taking into consideration material, which were never supplied to it.

3. In view of the above, as principles of natural justice have been violated, therefore, in spite of availability of statutory remedy under Section 33-B of the Water (Prevention and Control of Pollution) Act, 1974, the petition is entertained, impugned order is quashed with liberty, however, to the concerned opposite parties to pass a fresh order keeping in the mind the aforesaid.

4. Accordingly, the petition is allowed.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

February 26, 2026
Anuj Singh