



2026:AHC:61996-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 11221 of 2026

Jitendra Singh Bajwa And Another

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Raghav Dev Garg, Sr. Advocate, Yashvi Agarwal
Counsel for Respondent(s)	: C.S.C., Jagannath Maurya, Pankaj Srivastava, Shiv Prakash Gupta

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE VIVEK SARAN, J.

1. Heard Sri Anurag Khanna, learned Senior Advocate assisted by Sri Raghav Dev Garg, learned counsel for the petitioners, Sri J.N. Maurya, learned counsel appearing for U.P. Pollution Control Board, Sri Pankaj Srivastava, learned counsel appearing for Municipal Corporation, Meerut, Sri Shiv Prakash Gupta, learned counsel for respondent no. 8 and learned Standing Counsel for the State respondents.
2. Petitioners before this Court claim to be erstwhile Directors of the Company namely M/s. Godwin Construction Company Private Limited, Meerut and are aggrieved by the recovery citation issued by the Tehsildar, Tehsil Sadar, District Meerut on 09.03.2026 for a recovery of Rs. 10 crores plus other dues in compliance of the order of National Green Tribunal dated 04.03.2025 passed by way of interim measure in Original Application No. 492 of 2022 instituted by Green Wood City Villa Jan Welfare Society and Green Wood City Residents Welfare Association against Godwin Construction Company Private Limited, Meerut, a company registered under the Companies Act for violation of environmental laws resulting in an actionable claim at the end of Residents Welfare Association.
3. It is argued on behalf of the petitioners by Sri Khanna, learned Senior Advocate that a direction issued by the Tribunal since was against the Company, the Directors individually could not have been held liable for the dues qua interim compensation pursuant to the interim order passed

by the Tribunal and hence the recovery at the instance of Collector being pursued through recovery citation issued by Teshildar is *per se* bad. Sri Khanna has drawn the attention of the Court to the order of the Tribunal itself to demonstrate that none of the petitioners were party to the petition filed before the Tribunal, inasmuch as in the execution proceedings instituted before the Tribunal for the execution of interim order, petitioners were not made parties. Taking the legal plea qua the liability of individual Directors towards the liability of the company, Sri Khanna submitted that no individual Director could have been held liable towards the dues of the Company registered under the Companies Act, 2013 and in this regard he has placed reliance upon two authorities of this Court in the matter of **Meekin Transmission Limited & Another v. State of Uttar Pradesh & Others, 2008 SCC OnLine All 161** and **Rakesh Mahajan v. State of U.P. & Others, 2019 SCC OnLine All 4766**. Sri Khanna has further argued that except in cases of tax liability under the Income Tax Act, 1961 and the Commercial tax liability under the Central Goods and Services Tax Act, 2017, no recovery as such could have been directed against the individual Director, inasmuch as, there is no such provision contained under the National Green Tribunal Act, 2010 for the purposes of enforcement recovery against the Directors of the Company individually under the order of Tribunal. He has drawn the attention of the Court to Section 25(3) of National Green Tribunal Act, 2010, which according to him refers the words 'person responsible' and which has been defined as company only within the meaning of Section 2(j) of the said Act. Thus, according to Sri Khanna, the recovery citation is liable to be quashed. However, he is not averse to the recovery being pursued pursuant to the order of Tribunal, and if recovery is issued for the Company's asset to be attached, he shall have no grievance against that as petitioners are not aggrieved by the order of the Tribunal.

4. Meeting the above arguments, Sri J.N. Maurya, learned counsel appearing for U.P. Pollution Control Board submits that the company itself since has stood dissolved, the liability would fall upon the Directors of the Company in view of the provisions as contained under Section 248(7) of the Companies Act, 2013. He further submits that since the recovery proceedings could not be effectively pursued and the order of

Tribunal having not been further challenged, it was after the property had got identified that recovery certificate has been issued. He justified the recovery certificate.

5. Sri Pankaj Srivastava, learned Advocate appearing for Municipal Corporation Meerut submitted that Municipal Corporation has traced out the properties and submitted the same for the purposes of recovery as the recovery issued to the company was being returned repeatedly.

6. Learned Standing Counsel submits that if petitioners are aggrieved by recovery notice and citation issued by the Tehsil Authority under the Collector, they should raise their objection before the Collector of the district concerned, who would be the competent authority under the U.P. Revenue Code, 2006 as recovery citation has been issued under the said Code.

7. Having heard learned counsel for the respective parties and having perused the records, we find there to be no challenge laid to the order passed by the National Green Tribunal, may be as an interim measure for the purposes of depositing environmental compensation of Rs. 10 crores by the company and we find that the direction has been issued to the company itself that was party. There being no quarrel between the parties that the company stood dissolved and is no more in existence, the question therefore, arises as to whether the individual Directors should have been saddled with the liability of recovery pursuant to an order which was admittedly passed against the company only, more especially in the circumstances when the individual Directors are not parties before the Tribunal, even in the execution proceedings.

8. An argument though is sought to be raised on behalf of the respondents that there is no recovery issued against the individual but they do not dispute that recovery citation that has been issued in the name of individual Directors who are petitioners before the Court. It therefore, clearly lies within the domain of the Collector namely the District Magistrate of the district concerned at whose instance the Tehsildar has issued the recovery certificate to determine first as to whether the recovery certificate could have been issued against any individual

Director/ erstwhile Director of a dissolved company towards its dues.

9. In the circumstances, therefore, we find that the limited question that needed to be considered is as to whether recovery certificate issued by the Tehsildar is sustainable or not in the matter of recovery which is sought to be pursued for the realization of environmental compensation under the order of the Tribunal. The recovery is being pursued as an arrears of land revenue taking recourse to the provisions contained under U.P. Revenue Code, 2006 and hence the Collector becomes the ultimate authority to determine as to whether recovery certificate issued is sustainable or not.

10. In such above view of the matter, therefore, if the petitioners who were the erstwhile Directors of the Company are aggrieved by the recovery certificate issued by the Teshildar and consequential citation, may raise their objections before the Collector of the district concerned regarding maintainability and sustainability of recovery certificate and accordingly, we dispose of this petition with direction to the petitioners that in the first instance they would approach the Collector / District Magistrate, Meerut to file their objection against the recovery certified issued in their individual names was bad. They would be filing their objections within a period of two weeks from today and the Collector/ District Magistrate, District Meerut shall be disposing of the same within a further period of six weeks after giving full opportunity of hearing not only to the petitioners but also the U.P. Pollution Control Board as well as the respondent nos. 9 & 10. We further provide that until such objections are disposed of on merit, the recovery certificate dated 06.03.2013 issued against the petitioners and consequential recovery citation dated 09.03.2026 shall remain in abeyance to abide by the final outcome of the decision by the Collector.

11. With the aforesaid observations and directions, this petition stands **disposed of.**

(Vivek Saran,J.) (Ajit Kumar,J.)

March 25, 2026

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