



2026:AHC-LKO:17579-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2346 of 2026

M/S Win Waste Management Pvt. Ltd. Thru Cheif
Executive Officer

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Rahul 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. Heard.

2. By means of this petition, the petitioner has challenged an order dated 23.02.2026 by which the application of the petitioner for grant of consolidated consent to operate under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, Section 21/22 of the Air (Prevention and Control of Pollution) Act, 1981 as also authorization sought under the provisions of Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016 has been declined.

3. The contention is that the ground of declining the aforesaid is that there is another treatment, storage and disposable facility situated within 400 KM of the proposed facility of the petitioner and in this regard reliance has been placed on an O.M. dated 29.08.2016 and 20.6.2013. The contention is that if according to the opposite parties this was the reason then they should have confronted the petitioner and had that been done then the petitioner would have informed that it is factually incorrect. In this context, he has referred to a certificate given by ARTO (E), Amroha dated 25.08.2025, according to which, the three TSDF referred therein are situated more than 400 KM away from the petitioner's proposed unit. The submission is that the impugned order is based on incorrect factual premise and as no opportunity was given to the petitioner, therefore, it is

in violation of principle of natural justice. He has referred to Rule 6 of the Rules, 2016, according to which, the State Pollution Control Board may, for the reasons to be recorded in writing and after giving reasonable opportunity of being heard to the applicant, refuse to grant any authorization under the said rules. The submission is that this Rule has not been followed before passing the impugned order.

4. We are of the opinion that even if there is no such similar provision under Section 25/26 of the Water Act, 1974 and/or Section 21/22 of the Air Act, 1981, the fact of the matter is that the application was a consolidated one under the aforesaid two Acts and the Rules, 2016 which have been made under the Environmental Protection Act, 1986 and considering the ground on which the application has been rejected, we are of the opinion that this is a matter where the petitioner should have been given an opportunity to clarify the position after being confronted with the reasons given in the impugned order. Accordingly, we set aside the impugned order as it is not in accordance with law and direct re-consideration of the application of the petitioner. In the event, there is anything adverse based on which the consent or authorization is proposed to be declined then purely in the facts of this case the concerned Board shall confront the petitioner with the same in writing giving opportunity to respond to the same. Thereafter, a considered decision shall be taken. This exercise shall be completed within six weeks.

5. With these observations/ direction, the petition is **disposed of**.

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

March 10, 2026

Shanu/-