



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**

**CWP No. 2403 of 2023**

**Decided on: 28.04.2023**

M/s Luxmi Stone Crusher

...Petitioner

Versus

The State of H.P. & Ors.

...Respondent

**Coram:**

**Hon'ble Mr. Justice Tarlok Singh Chauhan, Acting Chief Justice.**

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

Whether approved for reporting?<sup>1</sup> No

**For the Petitioner :** Mr. B. S. Chauhan, Sr. Advocate with Mr. Munish Datwalia, Advocate.

**For the Respondent:** Mr. Anup Rattan, A.G. with Mr. Ramakant Sharma, Ms. Sharmila Patial, Addl. A.Gs., Ms. Priyanka Chauhan, Mr. Arsh Rattan, Dy. A.Gs. and Mr. Rajat Chauhan, Law Officer, for respondent-State.

Mr. Maan Singh, Advocate, for respondent No. 3.

**Tarlok Singh Chauhan, A.C.J. (Oral)**

Notice. Ms. Priyanka Chauhan, learned Deputy Advocate General and Mr. Maan Singh, Advocate, appear and waive service of notice on behalf of the respective respondents.

2. The instant petition has been filed for the grant of following substantive relief:-

- i) Kindly call for the records of the case and issue appropriate writ, orders or directions, in favour of the petitioner, directing the respondents to consider the application dated 10.03.2023, Annexure P-1 and renew the consent to operate of the petitioner in respect of his

<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment? yes

stone crusher in the name and style of M/s Luxmi Stone Crusher, in terms of the notification dated 29.05.2014, applicable in the case of the petitioner.

3. 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.**

4. 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 respondents 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.

5. For compliance, to come up on 02.06.2023.

**(Tarlok Singh Chauhan)**  
**Acting Chief Justice**

**(Virender Singh)**  
**Judge**

**28<sup>th</sup> April, 2023**  
(sanjeev)