

Item No.16:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Dated this the 20th day of August, 2024.

(Through Video Conference)

Appeal No.26 of 2023 (SZ)

IN THE MATTER OF:

Seetharam

Aged about 43 years,
S/o. Veerappa Gowda
Proprietor,
M/s. Shree Gurudev Service Station
Plot No.102, Near Canara Steel Industry,
Industrial area, Baikampady,
Mangaluru – 575 011.
Dakshina Kannada District.

...Appellant(s)

Versus

1) Karnataka State Pollution Control Board

Parisara Bhavana,
#49, 4th and 5th Floor,
Church Street, Bengaluru – 560 001.

2) Karnataka State Pollution Control Board

Parisara Bhavana
10 B, Baikampady Industrial Area,
Mangaluru – 575 011
Rep. by its Senior Environmental Officer.

...Respondent(s)

For Appellant (s): M/s. K.N. Praveen Kumar, Pawan Kumar K.V. & Shakthivel R.S.

For Respondent(s): Ms. E. Hima Rithika represented
Mr. M.R. Gokul Krishnan for R1 & R2.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

1. The appeal is directed against the closure order dated 02.08.2023 vide Order No.KSPCB/SEO/NEIA-OB/1614/Closure Order/2023-24/93 and the demand notice dated 31.08.2023 vide Notice No.KSPCB/EO(MNG)/Shree Gurudev/EC/2023-24/1039 issued by the Karnataka State Pollution Control Board.

2. A memo dated 29.04.2024 is filed by the appellant stating that,

"1. That the appellant has preferred the above appeal being highly aggrieved by the impugned closure order passed by the 1st Respondent having number KSPCB/SEO/NEIA-OB/1614/Closure Order/2023-24/93 dated 02.08.2023. The appellant has also questioned the consequential demand notice dated 31.08.2023 having number KSPCB/EO/(MNG)/Shree Gurudev/EC/2023-24/1039 and sought an order to set aside the same.

2. That the respondent subsequently withdrawn the closure order on as per Annexure R dated 18.03.2024. In view of the same nothing survives for consideration in the appeal as impugned closure order presently is not in existence and the demand notice has also become infructuous.

3. Hence, the appeal may be dismissed with liberty to recourse the remedy in the vent the respondent take further process if any in the matter to meet the ends of justice and equity."

3. The Karnataka SPCB also filed a report on 19.08.2024, wherein it is stated that the inspection was caused on 30.01.2024 and the service station in question had complied with directions of the Board by installing necessary facility for treating its fresh water and recycling it for vehicle wash by applying for consent from the Board. Therefore, the closure order dated 02.08.2023 issued by the Board was revoked. The Board had issued Consent for Operation to the appellant on 30.04.2024, which is valid till 30.09.2031.

4. In view of the revocation of the closure order dated 02.08.2023, nothing survives to be decided in this appeal and the appeal [Appeal No.26 of 2023 (SZ)] is dismissed as infructuous.

5. As the appeal also has challenged the demand notice dated 31.08.2023, the same has to be continued and brought to a logical conclusion. Though the appeal has become infructuous, so far as the closure order dated 02.08.2023 is concerned, the demand notice for the past violations towards environmental compensation imposed by the Board may be collected by the Karnataka SPCB, as there is no withdrawal of the said order.

6. Let the Karnataka SPCB report the compliance by way of a report, after collecting the amount demanded in the notice dated 31.08.2023.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

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