

(2025) 10 KAR CK 0014

Karnataka HC

Case No: Writ Petition No. 32017 Of 2025 (GM-POL)

M/S. Maiti Die Point Private
Limited

APPELLANT

Vs

Chairman Karnataka State
Pollution Control Board & Ors

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Air (Prevention And Control Of Pollution) Act, 1981 — Section 31(A)
- Karnataka Air (Prevention And Control Of Pollution) Rules, 1983 — Rule 20(A)

Hon'ble Judges: Vibhu Bakhru, CJ; C.M. Poonacha, J

Bench: Division Bench

Advocate: S. Rajendra, Rashi Singh, A. Mahesh Chowdhary, Niloufer Akbar

Final Decision: Disposed Of

Judgement

Vibhu Bakhru, CJ

1. Issue notice. Ms. Rashi Singh, learned counsel appearing for Mr.A. Mahesh Chowdhary, learned counsel accepts notice for respondent Nos.1 and 2.

2. With the consent of the learned counsel, the present petition is taken up.

3. The petitioner is a private company and claims that it is engaged in the business of manufacturing artisanal jewellery support activities involving die cutting. The petitioner claims that the said activity primarily consists of designing, shaping and engraving jewellery components using mechanical tools and precision equipment. The petitioner states that the said activity does not entail any melting, refining or use of any chemical treatment of precious metals. The activity is entirely mechanical in nature and produces no effluents, fumes, air or water pollutants. The petitioner claims that it has installed machinery for creating various shapes, dies and moulds and upon requests of customers or fellow artisans, the petitioner prepares the designs by placing material in a machine and mechanically pressing them in requisite forms.

4. It is the petitioner's case that it did not receive any notice from the Karnataka State Pollution Control Board [KSPCB] and was shocked to receive the order dated 31.07.2025 directing closure of its unit under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 read with Rule 20(A) of the

Karnataka Air (Prevention and Control of Pollution) Rules, 1983. The petitioner also contends that although the said order was passed in July, it was communicated after the delay of one month. Pursuant to the said order being communicated on 13.09.2025, electricity connection to the petitioner's rented premises has been disconnected and its business has been effectively closed. In the aforesaid circumstances, the petitioner has filed the present petition impugning the order 31.07.2025.

5. The impugned order indicates that an attempt to inspect the petitioner's premises was made. However, the same was found locked and the officials of KSPCB were not permitted to inspect the said premises. This is stoutly disputed by the petitioner.

6. As noted above, the petitioner claims that no inspection was conducted. It is apparent that the petitioner has not been heard before passing the impugned order. We do not propose to examine the controversy whether in fact an attempt to inspect the petitioner's premises was made at the material time. However, since it is not disputed that the petitioner has not been heard, we consider it apposite to pass the following directions:

(i) The impugned order dated 31.07.2025 is set aside. The same would be considered as a show cause notice.

(ii) The averments made in the present petition shall be considered as a response to the aforesaid show cause notice. The petitioner is at liberty to furnish any further information as the petitioner considers relevant, within a period of three working days.

(iii) The officials of the KSPCB may conduct a fresh inspection within a period of two weeks from date. The KSPCB shall consider the petitioner's response and pass an appropriate order.

(iv) In the event an adverse order is proposed to be passed, the petitioner shall be afforded an opportunity to be heard.

(v) In the event, it is found that the petitioner requires to obtain a consent to operate [CTO] under the relevant statutes, the petitioner is at liberty to make an application for the same.

(vi) In the event the petitioner makes an application for CTO, the same shall be considered in accordance with law.

(vii) The electricity connection provided to the petitioner shall be restored forthwith till a fresh order is passed by the KSPCB.

7. The petition is disposed of in the aforesaid terms.