

ITEM NO.36

COURT NO.5

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO.38154/2026

[Arising out of impugned final judgment and order dated 25-08-2025 in CRMP No.1380/2019 passed by the High Court of Chhattisgarh at Bilaspur]

CHHATTISGARH ENVIRONMENT CONSERVATION
BOARD, BHILAI

Petitioner(s)

VERSUS

M/S. JHURADABRI (QUARTZ AND SILICA)
MINING & ANR.

Respondent(s)

IA No. 191513/2026 - CONDONATION OF DELAY IN FILING
IA No. 191512/2026 - EXEMPTION FROM FILING O.T.
IA No. 191514/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 20-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Abhinay, AOR
Ms. Deepti Sarin, Adv.
Ms. Deeksha Prakash, Adv.
Mr. Pooran Chand Roy, Adv.

Ms. Kirti Vyas, Adv.

Mr. Kartik Rajpurohit, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.
2. The Regional Manager of the petitioner filed a complaint against 1st respondent on 06.09.2010 under Sections 15 and 16 of the Environment Protection Act, 1996, Sections 37 and 40 of the Air (Prevention and Control of Pollution) Act, 1981 and Sections 44 and 47 of the Water (Prevention and Control of Pollution) Act, 1974. The accused filed an application for discharge on the ground that no sanction has been obtained, which is mandatory under the statutes referred to in the complaint, the provisions of which are alleged to have been violated. The jurisdictional court referred to Exhibit P3C dated 11.09.2002 and an order dated 08.01.2010 issued by the Member Secretary of the petitioner to reject the application filed for discharge.
3. The Sessions Judge allowed the revision, finding that there is no specific sanction for the prosecution initiated; which is mandatory. The general order relied on by the complainant was found to be insufficient. The High Court specifically referred to the order dated 11.09.2002 by which the Regional Officers

were empowered to file suit on behalf of the Board; which was incompetent insofar as a criminal proceeding is concerned.

4. The learned Government Advocate points out Annexure P15 to contend that there was a sanction specifically with respect to the respondents-accused herein. A perusal of the order dated 08.01.2010 indicates that a specific reference is made to quartzite and silica sand mine by the 1st respondent having been continued without obtaining an establishment consent. There was a direction to ensure valid legal action against the industry and inform the Board's headquarters. This cannot be taken as a sanction to prosecute, as required under the statute which has to be specified, authorizing an officer to proceed under the specific provision.
5. We find absolutely no reason to entertain the Special Leave Petition, however, we leave open the remedy of the State to proceed in accordance with law after obtaining a proper sanction. All contentions of either parties are left open.
6. The Special Leave Petition is disposed of accordingly.
7. Pending application(s), if any, shall stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)