



CNR: KAHC010654692026

NC: 2026:KHC:58606-DB
WP No. 29717 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 29717 OF 2026 (GM-POL)

BETWEEN:

1. M/S HIRANYAKESHI SAHAKARI SAKKARE
KARKHANE NIYAMITA
SANKESHWAR - 591 394
HUKKERI TALUK
BELAGAVI DISTRICT
REPRESENTED BY ITS CHAIRMAN
SRI BASAVARAJ SHANKAR KALLATTI
S/O LATE SHANKAR
AGED ABOUT 56 YEARS

(A FACTORY REGISTERED UNDER THE BOMBAY CO
OPERATIVE SOCIETIES ACT 1925)

...PETITIONER

(BY SRI UDAYA HOLLA, SENIOR ADVOCATE A/W
SRI H.S. SUHAS., ADVOCATE)

AND:

1. THE KARNATAKA STATE POLLUTION CONTROL BOARD
PARISARABHAVANA
5TH FLOOR, NO. 49, CHURCH STREET
BENGALURU – 560 001
REP BY MEMBER SECRETARY

Digitally
signed by
SRIDEVI S
Location:
High Court
of Karnataka



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2. THE COMMISSIONER FOR CANE DEVELOPMENT AND
DIRECTOR OF SUGAR
5TH FLOOR, 'F' BLOCK, CBAB COMPLEX
KHB BUILDING, CAUVERY BHAVAN
K.G. ROAD
BENGALURU - 560 009
3. THE DEPUTY COMMISSIONER
OFFICE OF THE DEPUTY COMMISSIONER
RAVIVAR PET
BELAGAVI - 590 001
4. THE MANAGING DIRECTOR
HESCOM, VIDYUTH BHAVAN,
GOPANAKOPPA
HUBBALLI – 580 023

...RESPONDENTS

(BY SRI A. MAHESH CHOWDHARY, ADVOCATE FOR R-1 &
SMT. NILOUFER AKBAR, AGA FOR R-2 & 3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO QUASH THE IMPUGNED ORDER DATED 06.06.2026 BEARING NO.PCB/153/HPI/17 CAT/2020/2026/133 PASSED BY THE 1ST RESPONDENT VIDE ANNEXURE-A UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 AND THE RULES MADE THEREUNDER AND ALSO THE ORDER DATED 06.06.2026 BEARING NO. PCB/153/HPI/17 CAT/2020/2026/132 PASSED BY THE 1ST RESPONDENT VIDE ANNEXURE-B UNDER THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND THE RULES MADE THEREUNDER & ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 06.06.2026 passed by the Karnataka State Pollution Control Board [**KSPCB**] directing the petitioner to forthwith close its operations. The said order is premised on the observations which are recorded in the said order, which are to the effect that the petitioner has not taken all the necessary measures that are required for preventing and/or containing pollution.

2. The present petition was listed on 18.09.2026 and this Court passed the following order:

1. Sri Mahesh Chowdhary, learned counsel accepts notice for respondent No.1.
2. Issue notice to the other respondents.
3. The petitioner [M/s Hiranyakeshi Sahakari Sakkare Karkhane Niyamita] has filed the present petition impugning the order dated 06.06.2026 passed by respondent No.1-the Karnataka State



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Pollution Control Board [**the KSPCB**] under Section 31A of Air (Prevention and Control of Pollution) Act, 1981 [**the Air Act**], as well as the order dated 06.06.2026 passed under Section 33A of Water (Prevention and Control of Pollution) Act, 1974 [**the Water Act**]. By the impugned orders, closure directions have been issued in respect of the petitioner's sugar manufacturing unit, co-generation plant and distillery unit operated at Sankeshwar, Hukkeri Taluk, Belagavi District.

4. A plain reading of the impugned orders indicates that the KSPCB has found that the petitioner's unit has been causing serious pollution. It is also noted that the Maharashtra Human Rights Commission had imposed environmental compensation of ₹ 10 lakhs on the petitioner's unit for the pollution caused. There is also a serious allegation that the petitioner's unit had adversely affected the quality of groundwater and is responsible for polluting the Hiranyakeshi River by discharging untreated effluent.

5. On a plain reading of the impugned orders and the material on record, there appears to be no ground for this Court to interfere with the same. However, the learned counsel appearing for the petitioner submits that, in the last few months, the petitioner has spent more than ₹ 22 crores to ensure that all necessary measures are put in place to control pollution and preventing the discharge of polluting effluent or its seepage into the ground. It is further submitted that necessary measures have



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also been implemented to prevent air pollution.

6. In view of the aforesaid submissions, the learned counsel appearing for the KSPCB states that an inspection would be conducted by a committee comprising experts and that, if it is found that all necessary pollution control measures have been put in place, appropriate steps would be taken to revoke or suspend the closure order.

7. At request, list on 08.10.2026.”

3. Pursuant to the said order, the KSPCB constituted a Committee, which once again inspected the M/s. Hiranyakeshi Sahakari Sakkare Karkhane Niyamita (Integrated Sugar and Distillery Unit located at Sankeshwar, Hukkeri Taluk, Belagavi District, Karnataka). The Committee has since submitted its report, a copy of which is handed over to this court. The overall submission of the Committee as set out in the report is reproduced below:

**“OVERALL SUBMISSION OF THE
COMMITTEE**

The Committee is of the view that M/s. Shri Hiranyakeshi Sahakari Sakkare Karkhane Niyamit has initiated remedial measures and has implemented several physical improvements in its pollution-



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control and environmental management infrastructure. However, **certain statutory, infrastructural and environmental compliances remain pending**, including obtaining valid statutory consents/authorizations, completion of certain lagoon and storm-water management measures, provision of appropriate sewage treatment, completion and connection of the proposed 15-day treated-effluent storage facility, installation/commissioning of required particulate monitoring systems and completion of other identified measures.

Further, since the Unit was **not in operation on 05.10.2026**, actual operational performance of the ETP, quality of treated effluent, functioning and calibration of OCEMS under operating conditions, performance of ESPs, actual stack emissions and functioning of the treated-effluent utilisation/distribution system could not be conclusively verified.

Based on the directions of the Hon'ble High Court, **KSPCB may consider the Unit's application for Consent to Operate for the existing facility and may consider the matter of suspension/revocation of the Closure Directions.** a follow-up verification may be made by KSPCB to verify the compliance during operational condition.

Unit shall submit separate applications to Karnataka SPCB to obtain CFE and CFO.”



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4. Although the petitioner has taken substantial steps for containing the pollution as required, it has not fully implemented all the measures as yet. The petitioner does not have all the necessary consents, including the hazardous waste authorization and the requisite Consent for Establishment / Consent for Operation for the expansion of its existing unit. The report also indicates that all measures that are required to be taken have not been taken as yet, but the petitioner appears to be in the process of taking the same.

5. Additionally, it is noted that performance of certain equipment and facility for containing pollution and treating effluent could not be examined as the unit was not in operation.

6. Having stated the above, it is for the KSPCB to consider the Committee's report and take an appropriate decision.

7. In view of the above, we consider it apposite to dispose of this petition by directing the KSPCB to consider the Committee's report and take an appropriate decision. The petitioner is also at liberty to furnish its response to the said report within a period of



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three (03) working days. We request the KSPCB to take an appropriate decision as expeditiously as possible and preferably within one week thereafter. The KSPCB shall also consider the petitioner's application for consent for operation and the other consents in accordance with law.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

SD
List No.: 2 Sl No.: 31