



2026:AHC-LKO:21017

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 6769 of 2023

Bhalchandra Sripad Virkar, Company Secy. And
Vice President Mumbai

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt.. Lko.
And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Veena Vijayan Rajes, Ishan Baghel
Counsel for Opposite Party(s) : G.A., Ashok Kumar Verma

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

1. The present application has been filed seeking quashing of the entire proceedings of Complaint Case No.3252 of 2018, Uttar Pradesh Pollution Control Board Vs. M/s Parle Agro Private Limited and another, under Section 43 of the Water (Prevention and Control of Pollution) Act, 1974 and the summoning order dated 01.04.2022 passed by the Special Judicial Magistrate (Water and Air Pollution Control), Lucknow.

2. The facts, in nut shell, are that in the year 1985, M/s Parle Agro Private Limited (hereinafter referred to as "the company") was incorporated under the provisions of the Companies Act, 1956 and was engaged in the business of manufacturing food and beverages. In the year 2004, the company started its manufacturing plant at Ghaziabad and the applicant joined the company as Company Secretary and Assistant Vice-President (Legal) in the year 2016. Subsequently, the applicant has been promoted as Vice-President (Legal) in addition to his responsibilities as Company Secretary.

3. It is said that on 05.11.2015, the National Green Tribunal in Original Application No.231 of 2014 directed for constitution of a committee consisting of officials of the Central Pollution Control Board, U.P. Pollution Control Board and U.P. Jal Nigam to examine discharge of industrial effluents in the western districts of the Uttar Pradesh, including Ghaziabad, and the effect of such discharge on groundwater and public

health. On 16.01.2018, another order was passed by the National Green Tribunal in Original Application No.66 of 2015 directing the committee to conduct an intensive survey of all the industries in the catchment area of Hindon River and its tributaries in the districts earmarked above and to collect samples of surface and ground water and submit a report after analysing the same within two months, though the company was neither a party nor the orders were communicated to it. It is further said that on 12.04.2018, without serving the statutory notice as required under Section 21(3)(a) of the Water (Prevention and Control of Pollution) Act, 1974 (for short, "the Act, 1974"), some people claiming to be the committee constituted under the orders of the National Green Tribunal visited the premises of the company and collected one sample of water from the Effluent Treatment Plant (ETP) and two samples from the ground water and also demanded some documents. On 03.08.2018, the U.P. Pollution Control Board sent a notice to the company imposing a penalty of Rs.50,000/- and also ordered for closure of the manufacturing unit at Ghaziabad, pursuant to which the unit was closed on 14.08.2018.

4. The National Green Tribunal, Principal Bench, New Delhi passed a detailed judgement and order on 08.08.2018 in Original Application Nos.232 of 2014 and 66 of 2015 and approved the statement made by the U.P. Pollution Control Board in paragraph-9 of the judgement that it will now initiate prosecution forthwith not later than six weeks from that date against all those who are found to be responsible for discharge of effluents not meeting the prescribed standards. In pursuance of the aforesaid approval by the National Green Tribunal, the U.P. Pollution Control Board filed a complaint against the company and the applicant on 20.11.2018 by wrongly arrayed the applicant as Occupier of the factory, upon which the the Magistrate concerned took cognizance and summoned the applicant, which is under challenge.

5. Sri I.B. Singh, learned Senior Advocate, assisted by S/Sri Ishan Baghel and Deepesh Singh for applicant submits that applicant has been arrayed as an accused in the complaint because he had signed on some correspondences made with the U.P. Pollution Control Board. He further submits that since the applicant is discharging his duties as Vice-President (Legal) and Company Secretary, he is not liable to prosecute under

Section 47 of the Act, 1974 as no overt act has been attributed to him nor there is any averment in the entire complaint that applicant was in-charge of the day-to-day working of the factory and was responsible for the conduct of the business of the company. It is submitted that in the complaint the applicant was arrayed as the Occupier of the company, whereas he is the Company Secretary and Vice-President (Legal) of the company.

6. Learned Senior Advocate further submits that against the judgement and order dated 08.08.2018 passed by the National Green Tribunal, Civil Appeal Diary No(s).34619 of 2018 was filed by ECE Industries Limited before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 01.10.2018 stayed Paragraph-9 of the judgement and order dated 08.08.2018 passed by the National Green Tribunal. He further submits that the aforesaid ***Civil Appeal No(s).10236-10237 of 2018, ECE Industries Limited Vs. State of Uttar Pradesh and others***, has been allowed by the Hon'ble Supreme Court vide judgment and order dated 07.11.2025 and set aside the judgement and order dated 08.08.2018 passed by the National Green Tribunal in Original Application No.231 of 2014 (M.A. No.1219 of 2018) and Original Application No.66 of 2015. The operative portion of the aforesaid judgement and order is quoted below:-

"2. In view of the findings as indicated in the Status Report, we are of the opinion that there is complete compliance of the directions issued by the National Green Tribunal (NGT) and answers all compliances present and past.

3. In view of above, we allow the appeals and set aside the judgment(s) and order(s) dated 08.08.2018 passed by the NGT in Original Application No. 231 of 2014 (M.A. No. 1219/2018) and Original Application No. 66 of 2015.

4. We clarify that the appellant shall continue to comply with entirety of the regulatory regime concerning running of the industry. which would include the conditions as per the current Consent to Operate (CTO)."

7. In view of the aforesaid, learned Senior Advocate for the applicant submits that case of the applicant is squarely covered by the judgement and order dated 07.11.2025 passed by the Hon'ble Supreme Court in the aforesaid civil appeal (supra) because the present proceedings have been initiated in pursuance of the judgement and order dated 08.08.2018 passed by the National Green Tribunal.

8. On the other hand, Sri Ashok Kumar Verma, learned counsel appearing for the U.P. Pollution Control Board has opposed the case, but could not dispute the legal position that the Hon'ble Supreme Court has set aside the judgement and order dated 08.08.2018 passed by the National Green Tribunal vide order dated 07.11.2025.

9. Since the case of the applicant is squarely covered with the judgement and order dated 07.11.2025 passed by the Hon'ble Supreme Court in the aforesaid civil appeal (supra), the present proceedings against the applicant cannot be sustained and are liable to be quashed.

10. Application is accordingly *allowed* and the entire proceedings of Complaint Case No.3252 of 2018, Uttar Pradesh Pollution Control Board Vs. M/s Parle Agro Private Limited and another, under Section 43 of the Water (Prevention and Control of Pollution) Act, 1974 and the summoning order dated 01.04.2022 passed by the Special Judicial Magistrate (Water and Air Pollution Control), Lucknow, are hereby quashed *qua* the applicant.

(Brij Raj Singh,J.)

March 24, 2026

Rao/-