IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (M/B) No.686 of 2026

M/s Limra Industries ----Petitioner

Versus

Uttarakhand Pollution Control Board
& Another ----Respondents

August 20, 2026

Presence:-
Mr. Aishwary Prakash Joshi, learned counsel for the petitioner
Mr. Aditya Pratap Singh, learned counsel for respondent no.1
Mr. Gajendra Tripathi, learned Standing Counsel for the State/respondent no.2

JUDGMENT : (per Mr. Manoj Kumar Gupta, C. J.)

1. Heard learned counsel for the parties.

2. The short fact necessary for disposal of the instant writ petition is that the National Green Tribunal in proceedings bearing Original Application No. 182 / 2024, was pleased to take cognizance of the illegal mining and directed the State authorities to quantify the environmental compensation payable by the parties, and directed that the same be collected from the wrongdoers.

3. The Board taking a cue from the same has proceeded to quantify the environmental compensation amount without following the due process of law. Neither the

principles of natural justice, nor the procedure stipulated under the Act and Rules have been complied with. The Board has *suo motu* calculated the environmental compensation amount and issued demand notices calling upon the petitioner and others to deposit the same.

4. It is pertinent to note that the petitioner was not a party in the proceedings before the National Green Tribunal. Despite the same, the proceedings have been initiated and the demand has been raised calling upon the petitioner to make a payment. It is no more *res integra* that where an action of any authority entails civil consequences on the petitioner, it is but desirable to read the principles of natural justice into the Act and Rules, in the event of the Act and Rules not providing the same.

5. On the contrary, Rule 46 mandates that the affected party must be put on notice and thereafter an opportunity of being heard ought to have been afforded to the party, and thereafter, the authority is entitled to pass orders. The order being in complete violation of the principles of natural justice and the procedure stipulated under the Act and Rules, this Court is of the considered opinion that the same is liable to be set aside. Accordingly, the same is set aside.

6. The writ petition is allowed. The impugned demand notices dated 11.04.2025 and 20.02.2026 are set aside. The setting aside of the demand will not come in the way of the Board to redo the exercise in compliance with the Act and Rules.

7. There shall be no order as to costs.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 20.08.2026

Rajni