

**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

**WPPIL No. 50 of 2024**

- In The Matter Of Suo Moto Public Interest Litigation, Based On News Item Publised In Dainik Bhaskar Dated 20.07.2024 In Which News Intems, Namely Manmani Se Badi Pareshani, Bhatiya Wines Se Nikali Gandagi Se Jiv Jantu Aur Insan Bhi Pareshan Sharab Factory Se Ghatiya Spirit Sidhe Nadi Me Isi Se Lakho Machaliya Mari, 20 Hajar Ki Abadi Bhi Pareshan Harmful Spirits From Alcohol Factories Pollute Rivers, Resulting In Mass Fish Deaths And Community Distress

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Chief Secretary, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh
2. Secretary Cum Excise Commissioner Atal Nagar, Nawa Raipur, Chhattisgarh
3. Secretary C.G. Environment Conservation Board, Raipur, C.G.
4. Commissioner Bilaspur Division, Bilaspur, C.G.
5. Collector Bilaspur, District Bilaspur, Chhattisgarh
6. Assistant Excise Commissioner District Bilaspur, Chhattisgarh





## 7. Superintendent Of Police Bilaspur, District Bilaspur, Chhattisgarh

## ---- Respondents

(Cause Title taken from Case Information System)

22/07/2024	<p>This is an office reference.</p> <p>This court has taken <i>suo moto</i> cognizance of the matter and directed registration of this PIL on the basis of a news item published in Bilaspur Bhaskar, on 20.07.2024 with a caption “शराब फ़ैक्ट्री से घटिया स्पिरिट सीधे नदी में ..... इसी से लाखों मछलियां मरीं, 20 हजार की आबादी भी परेशान” and sub-headings “मनमानी से बढ़ी परेशानी. भाटिया वाइन्स से निकली गंदगी से जीव-जन्तु और इंसान भी परेशान” “350 एकड़ से ज्यादा फसल बर्बाद”.</p> <p>The aforesaid news report goes to state that the pollutants which is being emitted/discharged from M/s. Bhatia Wine Merchants Pvt. Ltd. situated at village Mohbhatta-Dhooma, District Mungeli, is causing menace to the environment and surroundings. The entire population of about 20,000 people is being affected by the industrial activities of M/s. Bhatia Wines. The report further goes to state that though there is provision under the various Environmental Acts to discharge the sub-standard quality of spirit</p>



but only after its treatment which is being violated by the said industry. Because of the poisonous effluents, paddy of more than 350 acres have been affected. Foul smell from those effluents have made the life of the people of the surroundings miserable which is causing difficulty in breathing, itching, burning sensation in the eyes, especially to the children and old aged persons. The police has also taken sample of water from the spot.

The aforesaid news report portrays a very alarming and terrifying situation as lacs of fishes have died because of the effluents being released in the culvert adjacent to the factory which further merges with Shivnath river making the river polluted.

Heard Mr. Prafull N. Bharat, Advocate General along with Mr. Shashank Thakur, Deputy Advocate General for the State/respondents, Mr. Amrito Das, learned counsel for the Chhattisgarh Environment Conservation Board, Mr. Abhishek Sinha, learned Senior Advocate along with Mr. Aditya Pandey, learned counsel for M/s. Bhatia Wine Merchants Pvt. Ltd.

Learned Advocate General submits that on 27.04.2024, the Sub Divisional Magistrate, Pathariya, District Mungeli, has directed the the Regional Manager, Environment Conservation Board, Bilaspur Pollution Control Board for getting an inquiry done with



respect to the death of fishes on account of releasing untreated water containing hazardous chemicals from the factory which has been causing number of health hazards directly affecting the people, animals, plants and crops and to submit the report on 02.05.2024. A copy of the said memo was sent to the Collector, Mungeli, Nayab Tahsildar and Executive Magistrate also. On the said date itself, a show cause notice was also issued to M/s. Bhatia Wine Merchants Pvt. Ltd. with regard to discharging of chemical containing water in the river and sought explanation till 02.05.2024.

Mr. Bharat submits that thereafter, a reminder letter was also sent on 12.07.2024 to the Regional Manager, Environment Conservation Board, Bilaspur informing him to conduct an inspection and submit its report with his clear opinion on 23.07.2024, however, the same has not been received till date. On the same day, another memo was sent to Mr. B.S.Bhatia, M/s. Bhatia Wine Merchants Pvt. Ltd. Dhuma, Sargaon, informing him about the aforesaid situation and to submit his response on 23.07.2024.

Mr. Amrito Das, learned counsel appearing for the Environment Conservation Board states that he may be granted some time to verify as to what action has been taken on the



communication made by the State to the Environment Conservation Board. He has also produced a letter dated 20.07.2024 issued to M/s. Bhatia Wine Merchants Pvt. Ltd. with respect to the discharging of industrial waste through water through underground plastic pipe to Khajri Nala which ends up flowing into the Shivnath river. Vide the said letter, as a preventive measure, the industry has been directed to close its operation until the water analysis report from the concerned departments and report of the Committee constituted by the Head Office is obtained and the action taken thereafter. M/s. Bhatia Wine Merchants Pvt. Ltd. has further been warned that environmental compensation may also be imposed upon it.

Mr. Abhishek Sinha, learned Senior Advocate appearing on behalf of M/s. Bhatia Wine Merchants Pvt. Ltd. submits that so far as the letter dated 20.07.2024 issued by the Environment Conservation Board is concerned, he is unable to state anything whether the same has been received by M/s. Bhatia Wine Merchants Pvt. Ltd. or not. He states that the Company - M/s. Bhatia Wine Merchants Pvt. Ltd. is ready to get an inquiry done with respect to the allegations levelled against it in the aforesaid news report as well as by the Sub Divisional Magistrate, Pathariya



and the Environment Conservation Board, Bilaspur.

Let this matter be listed on **30<sup>th</sup> of July, 2024.**

Office is directed to implead M/s. Bhatia Wine Merchant Pvt. Ltd. as party respondent No. 8 in this petition.

The copy of the documents supplied by the learned counsel for the State as well as Environment Conservation Board, are taken on record.

On the next date, Mr. Amrito Das, learned counsel appearing for the Environment Conservation Board shall inform this Court as to what action the Board has taken after issuance of memo dated 27.04.2024 by the Sub Divisional Magistrate, Pathariya, as well as Mr. Sinha shall also inform this Court as to whether it has received the notice dated 20.07.2024 issued by the Chhattisgarh Environment Conservation Board, Bilaspur and whether they have submitted any response to the same or not.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice