

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE**

**BEFORE THE APPELLATE AUTHORITY
Constituted Under the Water (Prevention & Control of Pollution) Act, 1974
and the Air (Prevention & Control of Pollution) Act, 1981**

Appeal No. 43/2026

**M/s Hardayal Poultry Farm, Beeghana, Behror...Appellant
Vs.
Rajasthan State Pollution Control Board, Jaipur....Respondent No. 1
Shri Manoj Kumar Yadav and Shri Narender Kumar (Residents of Village
Beeghana)..... Respondent No. 2**

Order Reserved on: 20.08.2026

Order Pronounced on: 01.09.2026

For Appellant(s): Mr. Bhawani Saini

For Respondent: Mr. Vipul Kumawat on behalf of RSPCB

ORDER

The present appeal has been preferred by the appellant, **M/s Hardayal Poultry Farm**, against the order dated **01.05.2026** passed by the Regional Officer, Rajasthan State Pollution Control Board, Kotputli-Behror, whereby directions for closure of the poultry farm along with consequential directions for disconnection of electricity and water supply and sealing of DG sets, if any, were issued. The appellant has sought quashing and setting aside of the said order.

As soon as the Appellate Authority began the hearing, **residents of Village Beeghana, Shri Manoj Kumar Yadav and Shri Narender Kumar**, through their counsel moved a Miscellaneous Application in the ongoing case seeking their implead as respondent necessary party in the present appeal. It was submitted that the applicants are residents of the affected village and that the action taken by the RSPCB was pursuant to the grievances raised by the villagers.

The Appellate Authority decided to allow residents of village Beeghana as necessary party/respondents in the present case and directed them to submit their pleadings through their counsel.

Learned Counsels of all the parties were heard.

Learned Counsel for residents of Village Beeghana submitted that the appellant had earlier approached the Hon'ble High Court against the impugned order passed by the RSPCB and subsequently withdrew the proceedings. Learned counsel also submitted that the poultry farm does not possess the requisite CTE/CTO, is situated at a distance of approximately **183 metres from the inhabited area**, as against the prescribed distance of **500 metres**, and has approximately **50,000 birds**. Learned Counsel also submitted that a



complaint in this regard was filed before the Sub Divisional Magistrate, Behror to which, the SDM directed the Tehsildar, Behror for site inspection and reporting. The Tehsildar in his report dated 09.04.2026 reported about existence of an illegal poultry farms which does not possess valid CTE & CTO from the State Pollution Control Board, which was about the poultry farm in question. The applicants have also placed relevant documents, including revenue records and representations/complaints, on record.

Learned counsel for the appellant submitted that the Show Cause Notice dated **09.03.2026** was duly replied to and that the appellant has approximately **22,000 birds**, and therefore the requirement of CTE/CTO is not applicable. Reliance was also placed upon the orders passed by the Hon'ble Supreme Court in *Poultry Farmers and Breeders Association & Ors. Vs. Union of India & Ors.*, including the order dated **28.04.2023** and subsequent proceedings dated **26.11.2024**. It was further submitted that the appellant is ready to comply with the applicable environmental requirements and that, instead of closure, appropriate penalty/Environmental Compensation may be considered.

Per contra, learned counsel appearing for the RSPCB submitted that, pursuant to the complaints received from the villagers, the poultry farm was inspected on **24.02.2026** by the Regional Officer, RSPCB, Kotputli-Behror, wherein various violations of the applicable poultry-farm guidelines were noticed. Accordingly, a Show Cause Notice dated **09.03.2026** was issued to the appellant, with the following observations: -

1. That the unit had not obtained Consent to Establish (CTE) and Consent to Operate (CTO) from the State Board; and
2. That the poultry population was approximately 50,000 birds (as reported);
3. That the litter and excreta generated from the farm were being discarded in the open area between the sheds, resulting in pungent and foul odour/stench, and that no adequate arrangement had been made for odour control and proper ventilation;
4. That the unit lacked adequate facilities, such as a burial pit, composting or incineration facility, for disposal of dead birds;
5. Solid waste comprising egg shells, dead embryos and unhatched eggs generated from the hatching operations was being discarded in the open area between the sheds, and no water collection tank had been provided for storage of wastewater generated from floor washing and other operations;

The learned Counsel of the Board submitted that the appellant submitted a reply to this above mentioned Show Cause Notice which was received in the PCB office on 24.03.2026 and since it was inadequate in explaining any of the issues mentioned, the Regional Officer not being satisfied with the reply, issued directions for closure of the unit vide its order dated **01.05.2026**.

The principal issue arising for consideration in the present appeal is whether the impugned order dated **01.05.2026**, directing closure of the appellant's poultry farm and consequential action, is sustainable in law as the appellant has challenged the claim of Regional Officer, RSPCB stating that the number of birds in the unit run by him were only 22,000 and Not more than 50,000 as is mentioned by the RO, RSPCB.

The **Environmental Guidelines for Poultry Farms, 2021**, issued by the Central Pollution Control Board, provide, inter alia, for obtaining CTE and CTO in respect of poultry farms handling more than **25,000 birds at a single location**. The Contradictory number of birds 22,000 viz a viz 50,000 is to be decided upon, since all legal liabilities and statutory requisites originate on the basis of number of birds kept in a poultry farm.

This Appellate Authority considered the submissions made by the parties and perused the documents and material available on record.

It is apparent from the record that the appellant was issued a Show Cause Notice by the RSPCB pointing out various deficiencies including categorical mention of the number of birds to be 50,000 on 09.03.2026. (Exhibit-1)

However, the reply submitted by the appellant on 24.03.2026 (Exhibit-2) does not question, counter or contradict the number of birds mentioned in the Show Cause Notice anywhere. Further, the reply is in agreement with the observations/issues raised in the Show Cause Notice by the RO, RSPCB and in fact it conveyed acceptance to take all necessary steps for mitigation of the issues raised within 25 to 30 days.

Further the appellant has not produced any document/evidence to prove that the number of birds was 22,000 only and not 50,000. This proves that the number of birds mentioned by the RO, RSPCB was correct and therefore the appellant was bound by law to seek prior CTE /CTO as per procedure laid down.

Since the appellant had not sought the mandatory CTE/CTO the action of RO, RSPCB of issuing closure directions is found to be in accordance with law.

Further, the appellant questioning the number of birds at a later date, by way of the present appeal dated 31.07.2026, seems to be an action taken as an afterthought, conceived purely to get respite which is bad in intent.

In view of the aforesaid facts and circumstances, this Appellate Authority finds no sufficient ground to interfere with the impugned closure direction dated 01.05.2026. The said order has been passed in accordance with law after affording adequate and reasonable opportunities to the appellant.

Accordingly, the present appeal is dismissed.

The Miscellaneous Application also stands disposed off accordingly.



(Anand Kumar)

Additional Chief Secretary (Environment & Climate Change)

Appellate Authority

(Anand Kumar)
Additional Chief Secretary
Forest, Environment and Climate Change Dept.
Government of Rajasthan