

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 9303 of 2025

IN THE MATTER OF:

An application under Article 102 of the
Constitution of the People's Republic of
Bangladesh.

-AND-

IN THE MATTER OF:

Popy Banarjee, Advocate, District Bar
Association, Khulna

...Petitioner

-Versus-

Present:

Mr. Justice Sashanka Shekhar Sarkar
And
Justice Urmee Rahman

The Government of the People's Republic
of Bangladesh, represented by the
Secretary, Security Service Division,
Ministry of Home Affairs and others

... Respondents

Mr. Md. Zahurul Islam Mukul, Senior Advocate with
Ms. Mukti Rani Kundu, Advocate and
Mr. Mir Shahadat Hossen, Advocate

...For the petitioner

Mr. K. B. Shahriar Ahmad, Advocate with
Ms. Esrat Kamal, Advocate

... For the respondent No. 02

Mr. T. M. Shakil Hasan, Advocate with
Mr. Md. Abid Chowdhury, Advocate

... For the respondent No. 05

Heard on 12.03.2026, 10.05.2026, 19.05.2026

and 09.06.2026 Judgment on 22.06.2026

Urmee Rahman, J:

In the instant matter a Rule Nisi was issued on an application
under Article 102 of the Constitution of the People's Republic of
Bangladesh in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the permission vide Memo No. 58.02.0000.005.18.127.22.718 dated 26.11.2024 (Annexure-B) granted by the Directorate of Narcotics Control (respondent no. 2) in favour of Carew and Company Limited, Darshana, Chuadanga to market alcohol in plastic bottles shall not be declared to have been issued without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.”

Necessary facts for disposal of the instant Rule, as narrated in the writ petition, in short, are that, the petitioner is an Advocate of District Bar Association, Khulna, who is also involved in many social welfare activities. She is a Member of Bangladesh Environmental Lawyers’ Association (BELA); Joint Secretary of Bangladesh Mohila Parishad, Khulna Division; a Member of Bangladesh Jatiyo Mohila Ainjibi Parishad (BNWLA), a Managing Committee Member of Coastal Development Partnership (CDP), Khulna Unit; a Panel Lawyer of Bangladesh Legal Aid and Services Trust (BLAST); a Panel Lawyer of Government Legal Aid Committee, a Member of Bondhu Kallyan Sangstha; a Member of Prodipan, an NGO; a Member of Rupantor and a Member of Chhinnomul, an NGO. She is committed to protect the interests of

the public at large through, amongst others, making a pollution free environment.

The petitioner has preferred this writ petition in the form of Public Interest Litigation (PIL) challenging the permission dated 26.11.2024 granted by the Directorate of Narcotics Control under the signature of the Director (Admin, Finance & Planning) in favour of Carew and Company Limited, Darshana, Chuadanga for marketing alcohol in plastic bottles.

The Managing Director of Carew and Company Bangladesh Limited, the respondent no. 5 herein, filed an application before the Director General, Directorate of Narcotics Control on 10.11.2024 seeking permission to use 'PET (Poly Ethylene Terephthalate) bottles' in marketing alcohol/country liquor across the country. Upon the said application the Director (Admin, Finance and Planning) granted permission to the respondent no. 5 for marketing country liquor in 1000 ml and 500 ml in 'PET bottles' by memo dated 26.11.2024. Having received a copy of the said permission, the Additional Director, Directorate of Narcotics Control, Divisional Office Khulna by a memo dated 12.01.2025 sought for instructions from the Director General, who is the respondent no. 2, as to bottling of country liquor in the light of অ্যালকোহল (নিয়ন্ত্রণ) বিধিমালা, ২০২২. Thereafter the Ministry of Home Affairs (Security Service Division) by a memo dated 15.01.2025 requested the Director General to take steps as to bottling the country liquor after ascertaining the hygiene and obtaining clearance certificate from

the Directorate of Environment. In a notification of the Ministry of Environment, Forests and Climate Change dated 28.08.2024 plastic bottles have been categorized and determined as 'single use plastic'. Accordingly, by a letter dated 12.02.2025 the same Ministry informed the Managing Director of 'Carew and Company Limited' that the company did not have any environmental clearance certificate, which is a requirement to use 'PET bottles' in marketing country liquor. Despite that, the Directorate of Narcotics Control by a memo dated 28.04.2025 asked the respondent no. 5 to deposit fees for bottling country liquor in 'PET bottles'. This memo paved the way of marketing country liquor in plastic bottles. This news was published in many national, regional and local daily newspapers on different dates.

The petitioner, having come to know about the attempt of the respondent nos. 1-4, issued a notice upon them on 18.05.2025 by guaranteed express post requesting to withdraw the permission granted in favour of the respondent No. 5, but the respondent did not respond to the said notice till date.

Being aggrieved thereby and there having no other alternative and equally efficacious remedy available, the petitioner has filed the instant writ petition in the form of Public Interest Litigation (PIL) and obtained the instant Rule.

Learned Senior Advocate Mr. Md. Zahurul Islam Mukul with learned Advocate Ms. Mukti Rani Kundu, appeared on behalf of the petitioner and submitted that, approximately 1(one) lac bottles

of alcohol are being supplied in the market every day. Therefore, supply of plastic bottles stands at 30(thirty) lac pieces a month and 3.60 crore pieces every year. Marketing alcohol in huge numbers of plastic bottles in Bangladesh will have several environmental, health and social implications. Since plastic bottles are lighter and potentially cheaper to transport, those will contribute to pollution and pose risk to the environment and human health due to its long lifespan.

Their next contention is that, the respondent no. 2 granted permission to the respondent No. 5 on 26.11.2024 for marketing alcohol in plastic bottles, however, without the company obtaining a clearance certificate from the Directorate of Environment and as such the impugned memo is liable to be declared to have been issued without any lawful authority and without any legal effect.

Learned Advocate further submitted that, the distillery organization of the respondent no. 5 had no environmental clearance certificate, which is a must to use 'PET bottles' in marketing country liquor. Despite that, the Directorate of Narcotics Control granted the impugned permission, which is liable to be declared to have been done without any lawful authority.

It has also been submitted that the said impugned permission has been granted in violation of the অ্যালকোহল (নিয়ন্ত্রণ) বিধিমালা, ২০২২ and as such it is liable to be set aside for ends of justice.

Learned Advocate finally submitted that, the impugned memo granting permission is mala fide, arbitrary and illegal; therefore the same is liable to be set aside and the Rule is liable to be made absolute.

On the other hand, learned Advocate Mr. K. B. Shahriar Ahmad along with Ms. Esrat Kamal, Advocate, entered appearance on behalf of respondent No. 2 i.e. the Director General of the Directorate of Narcotics Control. Learned Advocate Mr. T. M. Shakil Hasan for Mr. Md. Abid Chowdhury, Advocate, entered appearance on behalf of respondent No.5 i.e. the Managing Director of Carew and Company (Bangladesh) Limited. They vehemently contested the Rule by filing separate affidavits in opposition.

Upon going through the contentions of both the affidavits in opposition we find that, the legal submissions made therein are substantially identical. Hence for the sake of convenience and to avoid repetition, their submissions are being considered and discussed together.

The primary contention of the respondents is that the instant writ petition is not maintainable in its present form. The petitioner has filed the writ petition in the form of the Public Interest Litigation, which is not correct. In fact, this is a private interest litigation in disguise and serving the interest of the third party. Hence, the Rule is liable to be discharged at once for not being maintainable.

Their next submission is that, the instant writ petition is mala fide in nature and has been instigated at the instance of a vested quarter, since it only challenged the memo of the respondent no. 2 granting permission for marketing the country liquor in plastic bottles, though use of plastic bottles in marketing edible oil, energy drinks, soft drinks, juices, mineral water and many other consumer products are much conventional in the country for many years. Instant petition is a mere device to put legal pressure upon the state-owned business enterprise, which is doing business under the very watchful eyes of multiple statutory regulatory authorities. Therefore, the instant petition is liable to be dismissed summarily.

Further submission of the learned Advocates for the contesting respondents is that, the 'Bangladesh National Authority for Chemical Weapons Convention' (BNACWC) conducted an inspection at the premises of the respondent No. 5 i.e. the Carew & Company and submitted a report on 29.09.2024 recommending the company to market alcohol in bottles with company's label, which is currently being sold in open market in drums and thus poses health hazard. Pursuant to the said recommendation the company sought for permission from the respondent No. 2 for bottling the country liquor in 1000 ml and 500 ml 'PET bottles' for maintaining the quality and intoxication level after producing in the distillery unit. On 26.11.2024 the respondent no. 2, being the lawful authority, granted the permission and the company started taking initiative to implement the bottling of country liquor in plastic

bottles. On 15.02.2025 the respondent no. 5 company wrote a letter to the Director General of Directorate of Environment regarding the use of 'PET bottles', who by the reply dated 15.04.2025 merely discouraged such use of plastic bottles, however, there was no indication as to any legal requirement for obtaining Environmental Clearance Certificate for using 'PET bottles'. Thereafter several letters were communicated with the respective authorities for marketing the same.

The Ministry of Industries on 09.07.2025, formed an inquiry committee to inquire into several allegations, including marketing of country liquor in plastic bottles, who subsequently submitted a report in positive. The Bangladesh Sugar and Food Industries Corporation, being the regulatory body of respondent No. 5, issued a letter on 07.10.2025 directing to implement the recommendation of the report including the marketing of country liquor in plastic bottles, since there is no legal embargo for doing the same.

Accordingly, the respondent No. 5 company purchased the 'PET bottles' from one 'Habib Industries Ltd.' through an open tender method under the Public Procurement Act and Rules, who has Environmental Clearance Certificate issued by the Department of Environment and the said company obtained lab report dated 04.06.2023 from the Bangladesh Council of Scientific and Industrial Research (BCSIR) ensuring that the bottle meets safety standards for materials. Moreover, weight of an empty 500 ml PET bottle is around 48 (+_2) gm and the weight of an empty 1000 ml

PET bottle is around 52 (+_2) gm whereas the weight of an empty 500 ml bottle of 'Mum water' is around 10-15 gm only, thus used empty 'PET bottles' are being sold as scrap for 5-10 taka per piece and due to the high value of the bottles none could be found in the open environment. As such there is no risk of environmental pollution.

Learned Advocates contend that, the letter dated 12.02.2025 issued by the Ministry of Environment, Forests and Climate Change (Annexure D to the writ petition) itself is a questionable one, since there is no averment based on legal requirement for obtaining certificate in case of bottling and marketing in 'PET bottles', rather it indicates the mandatory requirement of Environment Clearance Certificate for Distillery Organization, not for 'marketing' the country liquor in plastic bottles.

They also submitted that, the Carew and Company Limited is a state-owned enterprise and country liquor produced by the said company to be bottled and supplied in the market in plastic bottles in compliance with the recommendation of the 'Bangladesh National Authority for Chemical Weapons Convention'. This is a policy matter decision of the Government, which is immune from interference in judicial review, hence the Rule is liable to be discharged.

The learned Advocates submitted that, the impugned permission thereby granted by following due process of law and by the lawful authority. Therefore, the same does not warrant any

interference by this Court and as such the Rule issued in the instant writ petition is liable to be discharged.

They also submitted that the Rule Nisi issued in the writ petition created a dead lock situation in production and marketing of country liquor and therefore the Rule may kindly be discharged *in limine* for ends of justice.

We have heard the learned Advocates for the respective parties and perused the material evidence on record.

Since the learned Advocates for the respondents at the very outset agitated the question of maintainability of this writ petition, we thus feel it expedient to address that very issue first.

In the case of *National Board of Revenue Vs. Abu Saeed Khan* reported in *18 BLC (AD) (2013) 116* the Hon'ble Appellate Division set out some specific categories of cases which will be entertained by this court as Public Interest Litigation (PIL). It was held that,

“14. Apart from the above, the following some categories of cases which will be entertained:

.....

.....

.....

g) petitions pertaining to environmental pollution, disturbance of ecological balance, drugs, food adulteration, maintenance of heritage and culture, antiques, forest and wild life.”

The present petitioner, who is an Advocate and a human rights activist, claims herself to be a concerned person regarding the environmental issues and with that end in view she has filed this writ petition in the form of Public Interest Litigation. Since the subject matter of the writ petition involves environmental pollution issue, we find this petition is maintainable in the light of the directives given by the Hon'ble Appellate Division in the above-mentioned case.

Referring to the impugned memo dated 26.11.2024 (Annexure-B), by which permission has been granted to the respondent No. 5, learned Advocate for the respondent No. 5 contends that, the writ petition has been filed challenging this permission letter, where there is no condition for obtaining environmental clearance certificate from the Directorate of Environment. Whereas, subsequently the same memo has been produced by the petitioner in the supplementary affidavit dated 19.08.2025 as Annexure-H, which contains the condition for obtaining the clearance certificate. Since a subsequent memo has replaced the earlier memo, on which the Rule was issued, hence the instant Rule has become infructuous.

We find from the record that, this particular memo dated 26.11.2024 granting permission to the company has also been annexed as Annexure 'H' in the supplementary affidavit dated 19.08.2025 filed by the petitioner. On meticulous perusal of these two Annexures, i.e. 'B' and 'H' we find that, both are similarly

dated with similar contents. However, the memo contained in Annexure-B was issued earlier and was subsequently replaced by another memo, which is Annexure 'H'. On the top of this subsequent memo it has been written that, “একই তারিখ ও স্মারকে প্রতিস্থাপিত”. This subsequent memo also contains a condition, which was not there in the earlier memo, which is as follows:

“.....শর্ত: পরিবেশ বান্ধব বোতলের ধরণ নির্ধারণে
(প্লাস্টিক/কাঁচ) প্রয়োজনীয় ক্ষেত্রে পরিবেশ অধিদপ্তরের
হাউপত্র/অনুমোদন নিতে হবে।”

This subsequent memo has been annexed by the respondent No. 2 as well, who itself has issued this particular memo.

It is thus apparent that the initial permission without the condition has been challenged by the petitioner. Now, it is to be determined whether the subsequent memo with the condition would make the permission a valid one or not.

We are of the view that, the conditional permission without obtaining the clearance certificate still remains questionable inasmuch as the terms of the condition does not state that the permission would be subject to obtaining the clearance certificate.

On examination of the documents annexed, it appears that, on 10.11.2024 the Carew & Company sought for permission from the Directorate of Narcotics Control for marketing the country liquor in bottle, to be specific, in ‘PET (Poly Ethylene Terephthalate) bottles’, which is the most common thermoplastic polymer resin of the polyester family. The permission was granted

by the Director (Admin, Finance and Planning) but the memo granting permission does not contain any statement that the permission was given being instructed by the Director General. No copy thereof was issued to the Director General either.

After the permission was granted, the Additional Director of Directorate of Narcotics Control, Divisional Office, Khulna by the memo dated 12.01.2025 sought for detail direction from the Director General as to bottling of country liquor and providing bottling license to the respondent No. 5 as per অ্যালকোহল (নিয়ন্ত্রণ) বিধিমালা, ২০২২, inasmuch as this Rules contains detail procedure for bottling foreign liquor but there is no such procedure regarding bottling of country liquor.

From Annexure- C-(1) it appears that, pursuant to an application dated 11.12.2024 made by the 'Polythene, Plastic, PET Bottle Boycott Council' the Home Ministry, Security Service Division sent a memo to the respondent No. 2 on 15.01.2025 informing Directorate of Narcotic Control about the requirement of obtaining prior environmental clearance before granting permission to the respondent No. 5 in this regard.

On 12.02.2005 (Annexure-D) the Ministry of Environment issued a memo to the respondent No. 5 specifically informing that, an environmental clearance of the distillery unit is a pre-requisite before taking any action in marketing the country liquor in plastic bottle. It is very important to note that, on the same day i.e. on 12.02.2025 the Ministry of Environment issued another memo to

the respondent No. 2 requesting them to cancel the permission granted to the respondent No. 5 to market country liquor in the plastic bottles, as evident from Annexure-I to the supplementary affidavit dated 19.08.2025. Despite being requested by the Ministry of Environment, the respondent No. 2 did not make any response thereto.

Thereafter, on 15.02.2025 (Annexure-VII to the affidavit in opposition filed by the respondent No. 5) the respondent No. 5 sought for a direction from the Directorate of Environment pursuant to the letter issued to them by the Ministry of Environment on 12.02.2025 stating that, the enterprise from whom they are purchasing the plastic bottles, have environmental clearance, as such 'PET bottles', in which they want to market the country liquor, has environmental clearance. In the given situation it sought for co-operation and guideline from all concerned. For better understanding the content of the letter is reproduced below:

“বিষয়: কেরু গ্র্যান্ড কোম্পানীতে উৎপাদিত কান্ট্রি লিকার PET বোতলে বাজারজাতকরণ সংক্রান্ত।

সূত্র: পরিবেশ, বন ও জলবায়ু পরিবর্তন মন্ত্রণালয় পত্র নম্বর: ২২.০০.০০০০.০৭৩.০৪.০০৮.২১.৭১ তারিখ: ১২.০২.২০২৫।

মহোদয়,

উপর্যুক্ত বিষয়ে জানানো যাচ্ছে যে, কেরু গ্র্যান্ড কোম্পানী পরিবেশগত ছাড়পত্র আছে এমন প্রতিষ্ঠান থেকে ফুড গ্রেড PET বোতল ক্রয় করেছে (পরিবেশ ছাড়পত্র সংযুক্ত)/পরিবেশ ছাড়পত্র আছে এমন ফুড গ্রেড পরিবেশ বান্ধব পিইটি বোতল উন্মুক্ত টেন্ডারের মাধ্যমে অত্র প্রতিষ্ঠান ক্রয় করবে। ফুড গ্রেড, পরিবেশ বান্ধব, পরিবেশের ছাড়পত্র পাওয়া কান্ট্রি লিকারের PET বোতল রিসাইকেলএবল, যা নতুন করে পরিবেশে কোন বর্জ্য সৃষ্টি করবে না। অতএব, এক্ষেত্রে পিইটি বোতলের পরিবেশ ছাড়পত্র আছে। কপি সংযুক্ত।

কেরু গ্র্যান্ড কোম্পানী ১৯৩৮ সালে প্রতিষ্ঠিত। প্রতিষ্ঠালগ্ন থেকে স্পেস্ট ওয়াশ অতিরিক্ত পানি মিশ্রণ করে ডিসচার্জ করা হয়। পরবর্তীতে কেরু গ্র্যান্ড কোম্পানী ২০১১ সাল হতে জৈব সার কারখানা হিসাবে নতুন ইউনিট চালু করে, যেখানে বেশিরভাগ স্পেস্ট ওয়াশ জৈব সার তৈরিতে ব্যবহৃত হয়। এখানে উল্লেখ্য যে, দেশি মদ/লিকার PET

বোতলে স্বাস্থ্যকর উপায়ে সরবরাহ করিলে ১ লিটারও অতিরিক্ত স্পেস্ট ওয়াশ তৈরি হবে না। দেশি লিকার PET বোতলে বাজারজাত করলে সরকারি কোষাগারে বিপুল পরিমাণ ভ্যাট ও শুল্ক প্রদান করা সম্ভব হবে।

এমতাবস্থায় কেবু গ্র্যান্ড কোম্পানী স্মার্ট মন্ত্রণালয়ের সুরক্ষা সেবা বিভাগ ও পরিবেশ, বন ও জলবায়ু পরিবর্তন মন্ত্রণালয়ের সহযোগিতায় কান্ট্রি লিকার বাজারজাত করার ফলে সরকারি কোষাগারে অতিরিক্ত আনুমানিক ৩০ থেকে ৫০ কোটি টাকা মাদক শুল্ক সহ রাজস্ব প্রদান করা সম্ভব হবে। কান্ট্রি লিকার বাজারজাতকরণে সকলের সহযোগিতা ও পরবর্তী দিকনির্দেশনা প্রদানের জন্য অনুরোধ করা হলো।”

Pursuant to this application on 14.04.2025 the Directorate of Environment replied that:

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
পরিবেশ, বন ও জলবায়ু পরিবর্তন মন্ত্রণালয়
পরিবেশ অধিদপ্তর
বর্জ্য ও রাসায়নিক পদার্থ ব্যবস্থাপনা
www.doe.gov.bd

স্মারক নম্বর: ২২.০২.০০০০.০০০.০৮০.০৩.০০০২.২৪.৩

তারিখ: ২ বৈশাখ ১৪৩২ বঙ্গাব্দ
১৫ এপ্রিল ২০২৫ খ্রিস্টাব্দ

বিষয়: কেবু গ্র্যান্ড কোম্পানীতে উৎপাদিত কান্ট্রি লিকার PET বাজারজাতকরণ প্রসঙ্গে।

সূত্র: কেবু গ্র্যান্ড কোম্পানী (বাংলাদেশ) লিমিটেড এর ১৫-০২-২০২৫ খ্রিঃ তারিখের কেবু/ডিস্টি/২০২৪-২০২৫/২২৫ সংখ্যক পত্র।

উপর্যুক্ত বিষয় ও সূত্রোক্ত পত্রের পরিপ্রেক্ষিতে জানানো যাচ্ছে যে, কটিন বর্জ্য ব্যবস্থাপনা বিধিমালা, ২০২১ অনুযায়ী পরিবেশ, বন ও জলবায়ু মন্ত্রণালয়ের ২৮-০৮-২০২৪ খ্রিঃ তারিখের ২২.০০.০০০০.০৭৪.৯৯.০০২.২৪.২০৪ সংখ্যক স্মারকের মাধ্যমে ১৭টি বস্ত্র/সামগ্রী/পদার্থকে সিঙ্গেল ইউজ প্লাস্টিক হিসেবে চিহ্নিত করে প্রজ্ঞাপন জারি করা হয় (কপি সংযুক্ত) PET বোতল উক্ত তালিকাভুক্ত। ফলশ্রুতিতে, সরকার যে কোন সময় PET বোতলের উৎপাদন ব্যবহার ও বাজারজাতকরণ বন্ধ/সীমিতকরণের উদ্যোগ/সিদ্ধান্ত গ্রহণ করতে পারে।

০২। এছাড়াও বিশ্বব্যাংকের সহায়তায় ‘Multisectoral Action Plan for Sustainable Plastic Management in Bangladesh’ প্রণয়ন করা হয়েছে। প্রণীত Action Plan এ virgin raw material consumption কমানোর লক্ষ্যমাত্রা নির্ধারণ করা হয়েছে। ব্যাপকভাবে PET বোতলের ব্যবহার বৃদ্ধি পেলে প্লাস্টিক বর্জ্য পরিবেশসম্মত ব্যবস্থাপনার ক্ষেত্রে অতিরিক্ত চাপ সৃষ্টি হবে; যা বর্জ্য ব্যবস্থাপনায় সরকারের গৃহীত উদ্যোগসমূহ বাস্তবায়ন বাধাগ্রস্ত করবে।

৩। বর্ণিত অবস্থার প্রেক্ষিতে, বাংলাদেশে কান্ট্রি লিকার প্লাস্টিক/PET বোতল বাজারজাতকরণ সমীচীন হবে না বলে প্রতীয়মান হয়।

বিষয়টি মহোদয়ের সদয় অবগতি ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশক্রমে প্রেরণ করা হলো।

সংযুক্তি বর্ণনা মোতাবেক।

স্বা-
১৫-০৪-২০২৫
রাজিনারা বেগম
পরিচালক
২২২২২১৮৩১৫

ব্যবস্থাপনা পরিচালক

দর্শনা, চুয়াডাঙ্গা, কেরু এন্ড কোম্পানী (বাংলাদেশ) লিমিটেড।

Though no specific word of direct refusal was made in this memo but the negative statement made by the Directorate of Environment clearly amounts to be a rejection to the respondent No. 5 in granting clearance to them with sufficient explanation. Despite receiving the letter from the Directorate of Environment in negative, the respondent No. 5 made a representation before the respondent No. 2 on 26.04.2025 (Annexure-X) in a deceitful manner stating that the Directorate of Environment had opined that, the issue of obtaining environmental clearance certificate was merely a matter of internal management of the company. The content of the letter is quoted below:

“.....কেরু এন্ড কোম্পানি ১৫/০২/২০২৫ খ্রি. পরিবেশ অধিদপ্তরে পিইটি বোতলে (ফুড গ্রেড, রিসাইকেবল) কান্ট্রি লিকার বাজারজাতকরণ সংক্রান্ত বিষয়ে অনুমতির জন্য পত্র প্রেরণ করা হয় (কপি সংযুক্ত)। পরবর্তিতে পরিবেশ অধিদপ্তর পিইটি বোতল ব্যবস্থাপনা সম্পর্কে অবহিত করেন এবং দেশি মদ ড্রামের পরিবর্তে পিইটি বোতলে বাজারজাত করণের ব্যাপারে পত্র প্রেরণ করেন (কপি সংযুক্ত)। পরিবেশ অধিদপ্তরের সাথে উক্ত পত্র নিয়ে আলোচনায় তারা এটা কেরু এন্ড কোম্পানির ব্যবস্থাপনার বিষয় বলে উল্লেখ করেন। বিষয়টি অবগত হওয়ার পর শিল্প মন্ত্রণালয়ের উর্দ্ধতন কর্তৃপক্ষ এবং বাংলাদেশ চিনি ও খাদ্য শিল্প করপোরেশনের উর্দ্ধতন কর্তৃপক্ষ পিইটি বোতলে কান্ট্রি লিকার মাদকদ্রব্যের সার্বিক সহযোগিতায় বাজারজাত করণের বিষয়ে সম্মতি প্রকাশ করেন। উর্দ্ধতন কর্তৃপক্ষ অতিদ্রুত কান্ট্রি লিকার পিইটি বোতলে বাজারজাত করার বিষয়ে তাগাদা দেন।.....”

From the averment made in this letter, we find that there is a serious misrepresentation by the respondent No. 5 as to the contents

of the memo dated 15.04.2025 issued by the Directorate of Environment, with a mala fide intention to bypass the requirement of obtaining environmental clearance certificate.

On the basis of this representation, the respondent No. 2 proceeded further upon continuing the permission given earlier and by directing the Carew and Company to submit required bottling fee as per the provision of 'Alcohol Control Regulations, 2022' in order to start marketing the country liquor in plastic bottles. The Ministry of Industry as well as the Sugar and Food Industry Corporation proceeded in taking initiative for the said purpose considering the earlier permission as valid one.

It is noteworthy that, on 12.02.2025 Ministry of Environment informed the respondent No. 5 company that it is mandatory to obtain clearance from Directorate of Environment and on the same day the Ministry directed the respondent No. 2 as well to cancel the permission earlier given to the company. Despite that, the respondent no. 2 failed to do so and proceeded with the earlier permission given to the company in total disregard to the communication made by the Directorate of Environment.

This disharmony between the inter-government departments depicts the arbitrariness resulted in an anomaly and disorder in public sphere. Government authorities are expected to act in a coordinated and coherent manner. This Court cannot but record its disapproval of the patent lack of co-ordination among the respondent authorities. The contradictory and mutually destructive

decisions taken by different departments of the government reveal an alarming degree of administrative inconvenience. Such conduct is inconsistent with the constitutional obligation to act fairly, reasonably and in accordance with law.

In the given circumstances the bottom line remains that, obtaining environmental clearance certificate was a pre-requisite for the respondent No. 5 to get permission to use plastic bottles. Since the impugned permission was granted before obtaining the environmental clearance, we thus find that, the impugned permission dated 26.11.2024 granted to the respondent No. 5 has been given without any lawful authority and hence is of no legal effect.

In view of the finding and discussion made hereinabove, we find substance in the Rule.

In the result, the Rule is made absolute.

The order of stay is hereby re-called and vacated.

However, there is no order as to costs.

Communicate the judgment and order at once.

Justice Sashanka Shekhar Sarkar, J:

I agree.