

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 146 OF 2014

Arun Mahadev Khade.	...	Petitioner.
V/s.		
Union of India and others.	...	Respondents.

Mr.Sagar Ganpat Talekar for the petitioner.

Mr.Parag Vyas with Mr.N.R.Prajapati for respondent No.1.

Ms.Nisha Mehra, AGP for respondent No.2.

Ms.Rekha Panchal for respondent Nos.3 and 4.

Ms.Sadhana Mahashabde for respondent No.5.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 31st July 2018.

P.C.:

Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the third and fourth respondents and the learned counsel appearing for the fifth respondent. Learned AGP appears for the second respondent. The grievance in this PIL is that though the industry of the fifth respondent was creating pollution, no action is being taken against the said industry.

2. The Sub-Regional Officer, Raigad-II, Maharashtra Pollution Control Board (MPCB), Navi Mumbai has submitted a report which is taken on record and marked "R-1" for identification. A site visit was made by the Officers of the MPCB on 19th July 2018. The said visit report is also produced along with report marked as "R-1" which is signed by an Officer of the fifth respondent. The said visit report records that the industry of the fifth respondent is not operational since March 2016. In fact, it is recorded that the plant and machinery was found in corroded condition and no raw material or finished product is found on the site.

3. A copy of the notice dated 25th July 2018 addressed by the Regional Officer of MPCB, Raigad to the fifth respondent is also annexed to the said report which shows that the fifth respondent has been called upon not to start manufacturing activities without obtaining pre-permission/ NOC from MPCB and other concerned departments.

4. Thus, the report indicates that from March 2016, the industry run by the fifth respondent is non-functional. Even before the notice dated 25th July 2018 issued by the Regional Officer of MPCB, an authorized signatory of the fifth respondent has addressed a letter dated 23rd July 2018 to the Officer of MPCB that though they intend to re-start production activities, before restarting the plant and production activities, necessary intimation will be given in writing. We may note here that giving intimation may not be sufficient. The fifth respondent cannot commence its operation without obtaining pre-permission/ NOC from MPCB as well as other concerned authorities.

5. In view of the aforesaid factual position and notice dated 25th July 2018 issued by the Regional Officer, MPCB to the fifth respondent, it is not necessary to keep this PIL pending. Subject to what is observed above, the PIL is disposed of.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)