

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 302 OF 2015.

Birla Institute of Technology &
Science, Pilani K. K. Birla [Goa
Campus], NH17B, Bypass Road,
Sancoale -403 726, Goa. Petitioner.

Versus

- 1 State of Goa, through the
Secretary (Panchayats), with his
office at Secretariat Complex,
Porvorim, Bardez-Goa.
- 2 Village Panchayat of Sancoale,
Sancoale -403 710, Mormugao-
Goa. Through its Member-
Secretary.
- 3 Goa State Pollution Control
Board, 1st Floor, Dempo Towers,
E.D.C Complex, Patto-Plaza,
Panaji-403 001. Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Ms. Jimi John, Advocate
for the petitioner.

Mr. D. Lawande, Government Advocate for the respondents no.
1 and 3.

Mr. V. A. Lawande, Advocate for the respondent no. 2.

**Coram:-F. M. REIS,
K. L. Wadane, JJ.**

Date:-29th April, 2015.

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. S. D. Lotlikar, learned Senior Counsel
appearing for the petitioner, Mr. D. Lawande, learned
Government Advocate appearing for the respondents no. 1 and

3 and Mr. V. A. Lawande learned Counsel appearing for the respondent no.2.

2. Rule. Heard forthwith with the concerned of learned counsel.

3. Learned counsel waives notice on behalf of the respondents.

4. Upon hearing the learned counsel appearing for the parties, the main grievance of the petitioner is that though the petitioner has made the provisions for the disposal of their garbage of the expanded project, no licene was issued by the respondent no. 2 in view of the directions issued by this Court while disposing of Suo Motu Writ Petition No. 2 of 2007 whereby no fresh permission would be permitted without the local panchayat making provisions for the disposal of the garbage.

5. The petitioner however points out that the petitioner have already made the requisite provision for disposal of their garbage of the subject project in the above Writ Petition. Accordingly, the Pollution Control Board was called upon to carry out site inspection and examine the feasibility of such provision made by the petitioner for garbage disposal.

6. Mr. Lawande, learned Government Advocate appearing for the Goa Pollution Control Board has produced a copy of the site inspection report dated 23.4.2015 conducted by such authority inter alia disclosing that all the requisite requirements are kept in place and, as such, the said authority shall issue a certificate with the regard to the local panchayat. The Inspection Report with conditions are taken on record and marked "X" for identification.

7. Mr. V. A. Lawande, learned Counsel appearing for the respondent no. 2 points out that unless the respondent no. 3 submits such certificate, the respondent no. 2 cannot process and issue any licence to the petitioner. Mr. D. Lawande, appearing for the respondent no. 3 pointed out that as far as the project of the petitioner is concerned, the respondent no. 3 shall accordingly issue the requisite certificate granting the necessary clearance to the subject project in the above Writ Petition in accordance with the report marked "X" for identification. The respondent no. 2 shall thereafter process the application filed by the petitioner for licence in accordance with law. As such, the condition imposed by this Court while disposing of SMWP No. 2/2007 shall not come in the way of the respondent no. 2 processing the application and grant the licence in accordance with law. As far as the second prayer in

the above petition is concerned, the concerned authority shall process such application in accordance with law preferably within four weeks from today.

8. In case occasion so arises the respondent no. 3 shall issue a further certificate to enable the concerned panchayat to process the application. It is expected that the concerned authority shall comply with the directions as expeditiously as possible.

9 Rule made absolute in the above terms.

K. L. WADANE, J.
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F. M. REIS, J.