

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.865 OF 2016

United Phosphorous Limited

Petitioner

versus

The Union of India and others

Respondents

Mr.D.J.Khambata, Senior Advocate, with Mr.Saket Mone and Subit Chakraborti i/by Vidhi Partners for Petitioner.

Mr.D.P.Singh with V.H.Kantharia for Respondent no.1.

Mr.Mihir Desai, Senior Advocate, with Ms.Lara Jesani i/by S.S.Jadhav for Respondents 2 and 3.

Mr.Viral Shah for Respondent no.5.

Mr.D.P.Desai for Respondents 9 and 10.

CORAM : D.H.WAGHELA, C.J. AND
M.S.SONAK, J.

DATE : 9th March 2016

PC :

1. The writ petition is filed mainly for the relief of setting aside the order dated 8th January 2016 of the National Green Tribunal (Western Zone), Bench Pune, in Application No.66 of 2015. There is limited consensus amongst learned counsel for the parties that the same impugned order is subject matter of a civil appeal before the Hon'ble Supreme Court of India wherein another party to the original proceeding has been granted a limited and conditional stay of the impugned order. It is further jointly submitted that this Court having entertained the present petition and ad-interim relief having been already granted

directing the respondents not to take any coercive action and staying the impugned order, the petitioner is continuing the operation of its industrial unit as a zero discharge unit without any complaint or report of any pollution being received by Gujarat Pollution Control Board. Under the circumstances and relying upon the provisions of Section 22 of National Green Tribunal Act, 2012, the present petition was sought to be withdrawn with the request that the ad-interim relief granted earlier may be continued for a period of four weeks for the petitioner to approach the Hon'ble Supreme Court in the meantime.

2. Learned counsel appearing for Gujarat Pollution Control Board and the State Government having no objection and learned counsel for the original applicants before the National Green Tribunal having expressed his consent to permitting withdrawal while extending the ad-interim relief, the request of the petitioner is allowed, by consent. Accordingly, the petition is disposed as withdrawn with the direction that no coercive action may be taken pursuant to the order dated 8th January 2016 impugned herein, till 7th April 2016.

(CHIEF JUSTICE)

(M.S.SONAK, J.)