

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION (MAIN) NO. 4 OF 2013

SMT. SUHASINI S. GOVEKAR AND 2
ORS.,

... Petitioners

Versus

SMT. PRATIMA GOVEKAR AND 2 ORS.,

... Respondents

Mr. D.Pangam and Mr. P. Sawant, Advocates for the Petitioners.
Mr. Nitin Sardessai, Senior Advocate with Ms. Neha Shirodker,
Advocate for the Respondents.

Coram:- F. M. REIS &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 14th June, 2017

P.C.

Heard Mr. Pangam, learned Counsel appearing for the
Petitioners and Mr. Sardessai, learned Senior Advocate
appearing for the Respondents.

2. Form I came to be issued in the above Contempt Petition on
the ground that the Respondents had committed a breach of an
interim Order passed by this Court dated 28.01.2010, wherein,
inter alia, directions were issued that no Occupancy Certificate
for commercial projects already constructed be issued having
five family units or more until such time they have their own
disposable facilities of solid waste made available or the
concerned Village Panchayat have a site for waste disposal as
required under the concerned Rules.

3. Mr. D. Pangam, learned Counsel appearing for the Petitioners, pointed out that the Respondents in gross disobedience of the directions issued by this Court in the said Order had issued an Occupancy Certificate to the subject project which had more than five family units. Learned Counsel further submits that as there was willful disobedience of the said Order, the Respondents are liable to be punished for contempt of Court. It is further pointed out that the concerned Village has not even complied with the other directions issued by this Court in the *Suo Motu Writ* Petition no. 2 of 2007 as, according to him, there is no facility of segregating the garbage nor measures taken to dispose the garbage at the site. Learned Counsel further submits that as the Respondents have committed breach of the directions issued by this Court, necessary Orders be issued accordingly.

4. On the other hand, Mr. Nitin Sardesai, learned Senior Advocate appearing for the Respondents, submits that there was no direction not to grant Occupancy Certificate to residential units. But, however, according to the learned Senior Advocate, the directions were only concerning commercial units. Learned Senior Advocate however pointed out that in the meanwhile, the concerned Village has the facilities for segregating solid waste and in fact has outsourced the facilities of collecting the garbage

for transmitting it for disposal to Pilerne, Saligao garbage disposable plant. Learned Senior Advocate further submits that the Respondents had no intention to disobey the Orders of this Court and in fact have tendered an apology by filing an affidavit in this Court.

5. We have considered the submissions of the learned Counsel and we have also gone through the records. On plain reading of the directions issued by this Court in the said Order, it clearly reveals that granting the Occupancy Certificate to the concerned project by the Respondents is contrary to such directions. Nevertheless, the Respondents have stated on oath that all the directions issued by this Court whilst disposing of SMWP no. 2 of 2007 have been substantially complied with . It is also pointed out that the subject project has its own waste/garbage disposable facilities and, in fact, the concerned Village has outsourced the activities of collecting the segregated solid waste to be transported to the garbage disposal plant now put up at Pilerne-Saligao.

6. In such circumstances, we find that the above Contempt Petition can be disposed of by accepting the apology of all the three Respondents in their respective affidavits at Para 3 thereof. The Respondents are however warned that they shall not at any point of time hereafter disobey any directions issued by this

Court and in case they do so, stringent action shall be taken by this Court.

7. Notice stands discharged accordingly.

PRITHVIRAJ K. CHAVAN, J.

F. M. REIS, J.

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