

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 222 OF 2017

M/S. MINESCAPE MINERALS PVT. LTD.,
REP. BY ITS MANAGING DIRECTOR, MR.
DINAR P. TARCAR AND ANR.,

... Petitioners

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 2 ORS.,

... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. D. Pangam and Mr. Nikhil A. Vaze, Advocates for the Petitioners.
Mr. S.D. Lotlikar, Advocate General with Mr. D. Shirodkar, Addl. Government Advocate for respondent nos.1 and 3.
Ms. P. Bhandari, Advocate for the respondent no.2.
Mr. S. R. Rivankar, Advocate for respondent no.4.

Coram:- ANOOP V. MOHTA &
C. V. BHADANG, JJ.

Date:- 2nd March, 2017

Oral Order:

Heard finally by consent of parties. The petitioners have challenged the impugned communication dated 23/2/2017, whereby respondent no.2, the Goa State Pollution Control Board by postponing and by not considering the renewal of consent to operate under section 26 of the Water (Prevention & Control of Pollution) Act 1974 and under section 21 of the Air (Prevention & Control) Act, 1981 and Authorization under Rule 5 of the Hazardous (Management, Handling and Transboundary Movement) Rules, 2008 for 'Tembechem Dongor' Iron and Manganese Ore Mine bearing T.C. No.59 of 1951 situated at

Cavorem, Maina & Rivona villages of Quepem and Sanguem Taluka, had observed that :

"However, the Board meeting shall be convened only after lifting Model Code of Conduct by the Election Commission of India as early as possible".

2. In this petition there is an urgency expressed as the petitioners are required to extract prescribed quantity of ore by 31/3/2017. This urgency, therefore, in our view could not have been overlooked.

3. After hearing the learned counsel for the parties including the State Government Election and the Goa State Pollution Control Board, we are inclined to observe that the rights so created including of renewal of request permission/rights has a foundation on the earlier grant/permission which was definitely required to be considered in the background and not on the foundation of the Model Code of Conduct so announced/declared by the Election Commission of India in view of the elections, which was said to be up to 15/23/2017. We are also inclined to accept that all these are administrative decisions which are required to be taken by the Goa State Pollution Control Board and has nothing to do with the specified period or election or Model Code of Conduct.

4. Therefore, in the interest of justice and to avoid further delay and there being no specific objection raised by the concerned authorities in view of the specific clause of the Code of Conduct, we are inclined to grant the petition as prayed. It is made clear that the respondent no.2 shall convene a special meeting on 6/3/2017 and pass appropriate orders in accordance with law. The petition is disposed off.

5. Parties to act on authenticated copy of this order.

C. V. BHADANG, J.

ANOOP V. MOHTA, J.

ap/-