

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 789 OF 2017

AKAR CREATIONS PVT. LTD., REP. BY
ITS AUT. REP., NITIN M. RAUT
DESSAI.,

... Petitioner

Versus

THE CHIEF OFFICER, MARGAO
MUNICIPAL COUNCIL AND ANR.,

... Respondents

Mr. Ashwin D. Bhobe and Ms. S. Bhobe, Advocates for the
petitioner.

Mr. C. A. Coutinho, Advocate for the respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 20th September 2017

P.C.

Heard Shri Bhobe, the learned Counsel for the petitioner and
Shri Coutinho, the learned Counsel for the respondent no.1.

2. It is contended by Shri Bhobe, the learned Counsel for the
petitioner that the petitioner is undertaking the exercise of lifting
the night soil/ sewerage water from the septic tank/ soak pit three
times a day, as recorded in the order dated 06/09/2017. It is
submitted that the total amount of 24,000 litres water is being
drained off. The learned Counsel for the first respondent, on
instructions, states that the total generation of the waste water is
to the extent of 45000 litre and the present exercise is not

adequate to take care of the said quantity. On this, the learned Counsel for the petitioner, on instructions, states that the exercise shall be done four times a day totalling to drawal of of 32000 litres a day and the petitioner shall ensure that there is no spillage of waste water from the septic tank/ soak pit.

3. In so far as the issue of establishment of Sewerage Treatment Plant (STP) is concerned, it is contended that the first respondent has granted occupation certificate, which would indicate that the said condition has been waived. Shri Coutinho, the learned Counsel for the first respondent points out that the condition has not been waived at any point of time.

4. It is not possible to go into the question of the establishment of STP, in this petition. Having regard to the limited disputed involved, I find that the petition can be disposed of in the following terms :

ORDER

- (i) The petition is allowed.
- (ii) The impugned order is set aside.
- (iii) The petitioner shall undertake to lift the night soil
/ waste water from the septic tank/ soak pit
four times a day and each time, the waste water to the
extent of 8000 litres shall be lifted/ drawn.
- (iv) The first respondent would be at liberty to take

appropriate action in accordance with law in the event there is any breach of the said condition, and/ or the construction licence.

C. V. BHADANG, J.

SMA