

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1143 OF 2017

**SOUTH WEST PORT LTD., THR. ITS
UNIT HEAD AND AUT. SIGN., ANTHONY
FERNANDES.,**

... Petitioner

Versus

**STATE OF GOA, THR. THE CHIEF
SECRETARY, GOVT. OF GOA AND ANR.,**

... Respondents

Mr S.S. Kantak, Senior Counsel along with Mr. A Gosavi,
Advocate for the Petitioners.

Mr. Dattaprasad Lawande, Advocate General along with Mr. P.
Dangui, Government Advocate for Respondent Nos.1 and 2.

Coram:- M. S. SONAK, J.

Date:- 27th December 2017

P.C.:

Heard Mr S.S. Kantak, learned Senior Counsel along with Mr. A Gosavi, learned Advocate for the Petitioner and Mr. Dattaprasad Lawande, learned Advocate General along with Mr. P. Dangui, learned Government Advocate for Respondent Nos.1 and 2.

2. The learned Advocate General fairly makes a statement that until the Goa State Pollution Control Board (GSPCB) disposes of the Show Cause Notice issued to the petitioners, the GSPCB will not insist upon the Petitioners providing the Bank Guarantee of Rs.1 crore as directed in the impugned decision dated 15th December, 2017. This statement is accepted.

3. In view of the aforesaid statement, the main relief applied in the petition stands substantially worked out.

4. Mr. Kantak, learned Senior Advocate for the Petitioners submits that some directions be issued that if the GSPCB's final order is adverse to the Petitioners, the same may not be given effect for a period of at least two weeks from the date of its communication. The learned Advocate General, once again submits that it is open to the Petitioners to make a request for the course of personal hearing before the GSPCB and the GSPCB, will, make suitable orders thereon.

5. In view of the aforesaid, this petition is disposed of.

6. It is made clear that all contentions of the parties are left expressly open, since this Court has not adjudicated even remotely on the merits of the matter.

7. All Concerned, to act on the basis of an authenticated copy of this order.

M. S. SONAK, J.

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