

Board (for short “MPCB”) not to permit expansion / establishment of an industrial unit in the areas where the associated Common Effluent Treatment Plants (for short “CETPs”) are not complying with the specified standards and where such CETPs do not have adequate hydraulic capacities.

2. The said direction was challenged in Writ Petition No. 7208 of 2015. In a group of petitions, lead petition being Writ Petition No. 7208 of 2015, the Division Bench of this Court in para 8 of an order dated 13th August, 2015 was pleased to observe as under:

“8. The NGT has reproduced the directions issued by CPCB in the order. We note the following direction of CPCB reproduced by the NGT :

"(b) Not to permit expansion/establishment of the industrial units in the areas where the associated CETPs are not complying with the required standards and where such CETPs do not have adequate hydraulic load capacities."

While not disturbing this direction at this stage, we clarify that where MIDC finds that concerned industry has no pollution potential, MIDC may grant the permission for establishing or expansion of an industrial unit under intimation to NGT.”

3. In a subsequent petition, Petitioners – M/s. Medley

Pharmaceuticals Ltd. made prayers seeking stay of the directions given by MPCB and in the alternative for a clarification that the word “MIDC” used in para 8 of the order, which was passed in Writ Petition No. 7208 of 2015, is actually “MPCB” since the word “MIDC” was wrongly typed, as the MIDC does not have expertise to give NOC in regard to the discharge of effluents in Ulhas river. Accordingly, the said order was modified by our order dated 15th February, 2017 passed in Writ Petition No. 393 of 2017.

4. In this petition, the grievance of the Petitioners is that though they have applied to Respondent No. 2 MPCB seeking permission for establishing an industrial unit on the ground that there is zero liquid discharge in the Ulhas river, the said application is not being considered by the MPCB.

5. The learned counsel appearing on behalf of MPCB, however, submitted that in view of the last sentence of para 8 of the said order dated 13th August, 2016 MPCB has made an application for permission from NGT.

6. In our view, on a proper reading of the said order dated

13th August, 2015 it is clear that prior permission of NGT was not contemplated by the said order. The last sentence of para 8 of the said order reads as under:

“While not disturbing this direction at this stage, we clarify that where MIDC find that concerned industry has no pollution potential, MIDC may grant the permission for establishing or expansion of an industrial unit under intimation to NGT.”

7. These words cannot be interpreted to mean that prior permission of NGT is required. We, therefore, direct MPCB to process the application of the Petitioner and if they find that the claim of the Petitioner is correct, then they may grant NOC and give intimation of the same to the NGT. Writ petition is accordingly disposed of in the aforesaid terms.

Sd/-
[A. S. GADKARI, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath