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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 4069 OF 2017

M/s. ASB International Pvt. Ltd. ... Petitioners
Vs.
The State of Maharashtra & Ors. ... Respondents

Dr. Milind Sathe, Sr. Counsel a/w Sachin Masurkar, Sunitha Perumal, Shashank Choudhary, Ekta Pednekar i/b Sachin Masurkar for the Petitioners.

Mr. S. L. Babar, AGP for the Respondent – State.

Ms. Sharmila Deshmukh, for Respondent No. 2.

Ms. Daksha Yeolekar i/b Little & Co. for Respondent No. 3 – MIDC.

CORAM : V. M. KANADE, &
C. V. BHADANG, JJ.

DATE : APRIL 7, 2017

PC.

1. Heard Dr. Milind Sathe, learned senior counsel appearing on behalf of the Petitioners, and the learned counsel appearing on behalf Respondent No. 2 – MPCB.

2. It is case of the Petitioners that they propose to establish a new unit and expand their existing unit at Ambarnath MIDC. It is

their case that there would be “0” liquid discharge in the river if the plants become operational. It is submitted that the National Green Tribunal, Pune (for short “NGT”) had passed an order dated 2nd July, 2015 restraining all manufacturers from establishing or expanding their plant unless the Corporation sets up “Common Effluent Treatment Plant” (for short “CEPT”), which is compliant with Central Pollution Control Board guidelines. This order was challenged in this Court in Writ Petition No. 7208 of 2015. This Court did not stay the order of the NGT, however, it clarified that in cases where a new establishment has to be set up or existing plant has to be expanded, which has “0” liquid discharge, then in such cases it should be obtain permission from Maharashtra Industrial Development Corporation (for short “MIDC”) and if permission is granted, its intimation should be given to the NGT.

3. Thereafter writ petitions, viz. Writ Petition Nos. 393 of 2017 and 3373 of 2017 were filed in this Court. In Writ Petition No. 393 of 2017 a clarification was sought since in the direction given in paragraph 8 of the order dated 13th August, 2015 passed in a group of petitions, lead petition being Writ Petition No. 7208 of 2015, the word

“MIDC” appears to be a typographical error. It was contended that MIDC did not have expertise to issue “no objection certification”, therefore, the word “MIDC” may be substituted by the word “MPCB”. The order was accordingly modified and MPCB was directed to process the application of the Petitioners therein and if it is found that there was “0” liquid discharge from the said establishment, its intimation may be given to the NGT. Similar order was passed in Writ Petition No. 3373 of 2017. The Petitioners are seeking similar relief in this petition.

4. It is contended that the Petitioners seek to establish new plant, and also expand the existing plant and in both the cases, there will be “0” liquid discharge. The Petitioners have initially applied to the MIDC on 29.7.2016, however, they were informed that the MIDC did not have expertise to issue no objection certificate.

5. In our view, similar directions can be given in this case as were given in Writ Petition No. 393 of 2017 and 3373 of 2017 since in this case also the MPCB did not process the application of the Petitioners in view of the order passed in Writ Petition No. 7208 of 2015.

6. We therefore, direct the MPCB to process the application of the Petitioners and if it conforms with the guidelines framed by the Central Pollution Control Board and if it is satisfied that there is “0” liquid discharge from the units of the Petitioners, then in that event it may grant “No Objection Certificate” for setting up of the new plant / unit and expansion of the existing unit and inform the same to the NGT. The MPCB may process the application of the Petitioners within four weeks from the date of this order. With these directions, writ petition is disposed of.

Sd/-
[C. V. BHADANG, J.]

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

Vinayak Halemath