

BDPPS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (L) NO. 10255 OF 2017

Viswaat Chemicals Limited

..... Petitioner.

V/s

State of Maharashtra & Ors.

..... Respondents.

Mr. Saket Mone a/w Mr. Subit Chakroaborty i/b Vidhi Partners for the Petitioner.

Ms. Sharmila Deshmukh for Respondent No.2.

Mr. S.L. Babar, AGP for Respondent/State.

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

DATE: 11th April, 2017

P.C.:-

- 1] Mentioned, not on board. Upon mentioning, taken on board.
- 2] Petitioner has filed this Petition under Article 226 of the Constitution of India for appropriate writ, order or direction, directing Respondent No.2 – Maharashtra Pollution Control Board (“MPCB”) to

consider the application of the Petitioner for grant of consent to establish and /or consent to operate in a time bound manner.

2] It is the case of the Petitioner that the Petitioner is expanding its Plant and there will be zero liquid discharge from the said Plant.

3] The learned Counsel for the Petitioner has invited our attention to the Order dated 15/2/2017 passed by this Court in Writ Petition No.393 of 2017 as also to the Order dated 23/3/2017 in Writ Petition No.3373 of 2017 in which similar relief, as sought for by the Petitioner in this Petition, has been granted.

4] Brief facts are that the National Green Tribunal by its Order dated 2/07/2015 passed in Case No.37 of 2013 (WZ) was pleased to grant blanket restriction, restricting the MPCB from permitting expansion / establishment of an industrial unit in the areas where the associated Common Effluent Treatment Plants (“CETPs”) are not complying with the specified standards and where such CETPs do not have adequate hydraulic capacities. The said direction was challenged in Writ Petition No.7208 of 2015 and Division Bench of this Court in para 8 of its Order dated 13/08/2015 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.”

5] In a subsequent Petition, Petitioners – M/s. Medley Pharmaceuticals Ltd made prayers seeking stay of the direction given by MPCB and also sought a clarification that the word “MIDC” used in para 8 of the Order 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. This Court, therefore, by its Order dated 23/03/2017 passed in Writ Petition No.3373 of 2017 directed the MPCB to process the application made by the Petitioners therein and also observed that it is not necessary to seek prior permission of the NGT.

6] Since the facts in the present Petition are identical to the facts in Writ Petition No.3373 of 2017, the present Petition can be disposed of on the same terms as mentioned in the order dated 23/03/2017

passed by this Court in Writ Petition No.3373 of 2017.

7] We accordingly direct the MPCB to process the application of the Petitioner and if it comes to the conclusion that the Petitioner satisfies requirements and guidelines of Central Pollution Control Board, then NOC may be granted to the Petitioner.

8] Petition is accordingly disposed of in the aforesaid terms.

(C.V. BHADANG, J.)

(V.M. KANADE, J.)