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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13546 OF 2018

Hindalco Industries Limited

.. Petitioner

Vs.

Maharashtra Pollution Control Board
and ors.

.. Respondents

Mr. Darius Khambatta, Sr. Advocate a/w Mr. Ashish Prasad a/w Ms. Mukta Datta a/w Ms. A. A. Mujawar I/by Economic Laws Practice for petitioner.

Mr. J. P. Jagtap for respondent no.1.

Mr. A. I. Patel, AGP for State.

CORAM: NARESH H. PATIL, CJ. &
M. S. KARNIK, J.

DECEMBER 11, 2018.

P.C.

1. Heard the learned counsel for the parties.
2. The learned counsel appearing for respondent no.1, on instructions, submits that Chairman of respondent no.1 would hear the petitioner and thereafter take appropriate decision on merits. The learned Senior Counsel Mr. Khambatta, appearing for the petitioner,

submits that it would be appropriate if the impugned order dated 27/11/2018 itself is treated as show cause notice. It would be further appropriate to cancel /withdraw the directions contained in the impugned order so that the parties could approach the concerned authority afresh.

3. We have perused the impugned order dated 27/11/2018. Under the impugned order the respondent no.1 had issued directions to the petitioner to stop the mining activities forthwith and had restrained the petitioner from lifting or transporting any of the dumped material. Further directions were issued to disconnect the water/electricity supply to the petitioner's unit.

4. In the facts of the case and considering the issue raised, we pass follow order :

ORDER

- (a) The impugned order dated 27/11/2018 shall be treated as show cause notice. The directions contained in the impugned order shall stand withdrawn

- (b) The petitioner shall be granted an opportunity to file its reply to the show cause notice.
- (c) The respondent no.1 shall grant personal hearing to the petitioner.
- (d) After hearing the parties, respondent no.1 would be entitled to pass final order on its own merits.
- (e) In case the final order is adverse to the petitioner, the same shall not be implemented for a period of two weeks from the date of receipt of the said order by the petitioner.

5. All contentions are kept open. It is clarified that we have not expressed any opinion on the issues raised by the petitioner herein.

6. Petition is disposed of in the above terms.

M. S. KARNIK, J.

CHIEF JUSTICE