

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12986 OF 2018

Vinaychand M. Shah

.. Petitioner

Vs.

The Administrator of Daman and
Diu and Dadra and Nagar
Haveli , Daman and ors.

.. Respondents

Mr.Vyom Shah a/w Mr.Sachin Mahagavkar and Mr.Jimish Shah
I/b Divya Shah Associates, for the Petitioner.
Mr.Shrishailya S. Deshmukh, for Respondents No.1, 2 & 4.
Mr.Y.R. Mishra a/w Mr.N.R.Prajapati, for Respondent No.5 –
Union of India.

**CORAM : NARESH H. PATIL, CHIEF JUSTICE &
M.S.KARNIK, J.**

DATE : 21st NOVEMBER, 2018

P.C. :

The Petitioner challenges an order passed by the
Member Secretary under Section 33-A of the Water (Prevention
and Control of Pollution) Act, 1974 (for short 'Act').

2. Section 33-B of the Act refers to the Appeal to
National Green Tribunal which reads as under :

“33B. Appeal to National Green Tribunal. —Any person aggrieved by,—

[\(a\)](#) an order or decision of the appellate authority under section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or

[\(b\)](#) an order passed by the State Government under section 29, on or after the commencement of the National Green Tribunal Act, 2010; or

[\(c\)](#) directions issued under section 33A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,

may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”

3. The learned Counsel for the Petitioner submits that the Petitioner also seeks declaration that the directions contained in the notice dated 05/11/2018 is ultra-vires the provisions of the Act and also prayed other reliefs in the Petition.

4. Learned Counsel for the Respondents submits that the Petitioner has an alternate efficacious statutory remedy also under Section 14 of the National Green Tribunal Act, 2010.

5. Considering the nature of the reliefs sought and the impugned order, we are of the view that the Petitioner may resort to the statutory remedy provided.

6. Writ Petition is disposed of with liberty.

(M.S.KARNIK, J.)

(CHIEF JUSTICE)