

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2069 OF 2018

M/s Abu Marble		
Through Director Arun Singit	...	Petitioner
Versus		
Regional Officer,		
Maharashtra State Pollution Control		
Board And Another	...	Respondents

Mr. Kishore Patil I/b Rajeev P. Matkar for the Petitioner.
Ms. Jaya Bagwe I/b Sharmila Deshmukh for Respondent No.1.
Sukanta Karmarkar, AGP for Respondent No.2.

**CORAM : SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : 30 AUGUST 2018

P.C. :

On 3 May 2018, this court passed the following order, which reads as under :

“1 Not on board. Taken on board.

2 The learned counsel appearing for the Petitioner states that the Petitioner will immediately file an undertaking in this Court stating that till further orders are passed by the Court, the Petitioner will not carry out activity of marble cutting in the subject premises. We accept the said statement.

3 Issue notice to the Respondent No.1 returnable on 12 June 2018.

4 By way of ad-interim relief which will be operative till the next date, we restrain Respondent No.1 from taking further steps on the basis of notices at Exhibit 'E' subject to condition of the Petitioner filing an undertaking to the aforesaid effect within a period of one week from today and subject to further condition of Petitioner serving a private notice along with an authenticated copy of this order and a copy of undertaking to the Respondent No.1. If proper Affidavit of Service is not filed on or before 23rd May 2018, the ad-interim relief shall stand vacated without further reference to the Court.”

2 Thereafter, as directed, the Petitioner has submitted an undertaking. Same is on record.

3 The grievance of the Petitioner is that before passing of the impugned order dated 19 April 2018 (Exhibit 'E' to the petition), the Petitioner was neither issued a show cause notice nor an opportunity of hearing was afforded to him. In the circumstances, prayer has been made that the Petition may be disposed of by setting aside the impugned order and directing Respondent No.1 to issue a show cause notice and pass a fresh order after giving due opportunity of hearing to the Petitioner.

4 Learned Counsel for Respondent No.1 on instructions submits that Respondent No.1 will issue a show cause notice to the Petitioner and would take an appropriate decision after giving due opportunity of hearing

to the Petitioner.

5 In view of the aforesaid stand taken by Respondent No.1, we dispose of the present petition, by granting liberty to the Respondent No.1 to issue show cause notice to the Petitioner and after affording/giving opportunity of hearing to the Petitioner, pass fresh reasoned order.

6 Undertaking given by the Petitioner shall remain operative till the matter is decided by Respondent No.1.

7 As consequence of the aforesaid directions, the impugned order stands quashed and set aside with liberty and direction as above.

8 The petition is disposed of.

[SARANG V. KOTWAL, J.]

[SHANTANU KEMKAR, J.]

Rajesh
Vasant
Chittewan

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by Rajesh
Vasant
Chittewan
Date:
2018.08.31
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