

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

WRIT PETITION (L) NO.2775 OF 2018

RDC Concrete (INDIA) Pvt. Ltd.

.... Petitioner

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.Atul Damle, Senior Counsel a/w Mr.Atul S. Singh, Advocate for Petitioner.
- Mr.Amit Shastri, AGP for State/Respondent No.1.
- Ms.Sharmila U. Deshmukh a/w Ms.Jaya Bagwe, Advocate for Respondent No.2.

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

DATE : 19th SEPTEMBER, 2018.

P.C. :

Parties through their Counsel.

2. Challenging the order dated 01/08/2018 Ex.'K' passed by Respondent No.2 Maharashtra Pollution Control Board, whereby the Petitioner has been issued closure direction exercising powers under section 33(A) of the Water (Prevention

& Control of Pollution) Act, 1974 and u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and also issuing direction to the Electricity Supply Authority to disconnect the electricity and water supply to the Petitioner, the Petitioner has filed this Petition under Article 226 of the Constitution of India.

3. According to the Petitioner, before passing the impugned order, no show cause notice and no opportunity of hearing was ever afforded to the Petitioner.

4. Having considered the submissions made by learned Counsel for the parties and having gone through the impugned order, we are of the view that the impugned order has been passed in violation of the principles of natural justice. The Petitioner was having the Consent to Operate validity upto 31/01/2020 and in the circumstances if any adverse order for closure was to be passed, it was incumbent upon the Respondent No.1 to have issued show cause notice and ought to have given opportunity of hearing to the Petitioner and having

not done so, we are of the considered view that the impugned order cannot be sustained.

5. Accordingly the impugned order is quashed, however, with liberty to the Respondents to proceed against the Petitioner if they are so advised in accordance with the law, after giving show cause notice and due opportunity of hearing to the Petitioner.

6. We also direct the restoration of electric supply if the same is disconnected.

7. With the aforesaid liberty and directions the Petition is disposed of.

(SARANG V. KOTWAL, J.)

(SHANTANU S. KEMKAR, J.)