

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

**WRIT PETITION (L) NO.3098 OF 2018
WITH
WRIT PETITION (L) NO.3099 OF 2018**

M/s Nuvoco Vistas Corporation
Limited & Anr.

.... Petitioners

versus

State of Maharashtra & Ors.

... Respondents

.....

- Mr.Ameya Gokhale a/w Mr.Vaibhav Singh, Ms.Radhika Indapurkar, i/b. M/s. Shardul Amarchand Mangaldas, Advocate for Petitioners.
- Mr.S.B. Gore, AGP, for State Respondent No.1.
- Ms.S.U. Deshmukh, Advocate for Respondent No.2.
- Mr.Satish Kamat, Advocate for Respondent No.3.

**CORAM : SHANTANU S. KEMKAR &
SARANG V. KOTWAL, JJ.
DATE : 19th SEPTEMBER, 2018.**

P.C. :

Parties through their Counsel. With consent, heard finally.

2. Challenging the order dated 01/08/2018, Ex.'A',
passed by Respondent No.2 Maharashtra Pollution Control

Board u/s 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, whereby directions have been issued to the Petitioner to stop its activities forthwith and also directing Respondent No.3 to disconnect the electricity and water supply to the Petitioner's Unit, the Petitioner has approached this Court by filing this Petition under Article 226 of the Constitution of India.

3. According to Petitioner Consent to Operate is valid upto 31/03/2020. It is the case of the Petitioner that without issuing any show cause notice and without giving any opportunity of hearing, impugned order has been passed which clearly violates the principles of natural justice.
4. On the other hand, the learned Counsel appearing for the Respondents have supported the impugned order.
5. Having considered the submissions by the learned counsel for the parties and having gone through the impugned order, we find that before recording the aforesaid findings

against the Petitioner, no show cause notice or opportunity of hearing was ever afforded to the Petitioner. In the circumstances, in our considered view, the impugned order being violation of the principles of natural justice, the same cannot be sustained. We therefore quash the impugned order. However with liberty to Respondent No.2 to initiate fresh proceedings, if so advised, in accordance with law after issuing show cause notice to the Petitioner.

6. With the aforesaid directions and liberty, the Petition is disposed of.
7. Parties to act on the authenticated copy of this order.
8. We also make it clear that in case the electricity connection has already been disconnected, the same be now reconnected by the Respondent No.3 forthwith.

(SARANG V. KOTWAL, J.)

(SHANTANU S. KEMKAR, J.)