

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11373 OF 2018

M/s. Aurangabad Thermocol Plates &
Containers Pvt. Ltd.

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. P.M. Shah, Senior Counsel i/b Mr.A.M. Karad, Advocate
for Petitioner

Mr. A.B. Chate, Assistant Government Pleader for
Respondents/State

Mr. V.D. Hon, Senior Counsel i/b Mr. U.B. Bondar, Advocate
for Respondent No. 2

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 30th APRIL, 2019

ORAL ORDER:

1. We have heard Mr. Shah, the learned Senior Counsel for the petitioner, the learned Assistant Government Pleader and Mr. Hon, learned Senior Counsel along with Mr. Bondar, the learned Counsel for the respondent No. 2.

2. The petitioner assails letter dated 21.06.2018 issued by the respondent No. 2 (page No. 57), thereby directing the petitioner

to stop manufacturing activity with the safe closure time period and stop the fresh feeding of raw materials forthwith so as to avoid further damages to the surrounding environment. The same is issued basically pursuant to the notification viz the Maharashtra Plastic Thermal Products (manufacturer of usage, transport, handling and storage notification dated 23.03.2018).

3. According to the petitioner, the said notification dated 23.03.2018 stands amended by notification dated 30th June, 2018. The manufacturing activity of the petitioner comes within the ambit and purview of the notification dated 30th June, 2018 and the manufacture of these items is permissible. According to the petitioner, the petitioner on 1st March, 2018 applied for renewal of consent as the licence was to expire on 28.02.2018. For one year, the respondent has not decided the application of the petitioner for renewal. According to the learned Senior Counsel, as the manufacturing activity of the petitioner is permissible under the notification dated 30th June, 2018, the impugned order is illegal.

4. According to the respondent, the manufacture of the petitioners items is also not permissible under the notification dated 30th June, 2018. The petitioner cannot run the business as the licence has expired. The renewal has to be applied at least 60 days prior to the expiry of the licence. The petitioner cannot take

advantage of its own wrong.

5. We need not exert more in the present matter as it appears that the genesis of the impugned communication is the notification dated 23.3.2018 and subsequently new notification dated 30th June, 2018 has been issued. Naturally, the respondents will have to consider the case and the activity of the petitioner in consonance with the notification dated 30th June, 2018.

6. In the result, we observe that the respondents shall not take any further action without considering the case of the petitioner as per notification dated 30th June, 2018. The respondents shall decide the application of the petitioner for renewal of the consent on its own merits considering the notification and relevant clause.

7. Mr. Bondar, the learned Counsel for the respondent No.2 on instructions states that within one month, the respondents would take decision upon the pending application of the petitioner for renewal of the consent.

8. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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