

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 417 OF 2019

MAHENDRA S. KAKULE

... Petitioner

Versus

STATE OF GOA, THR. CHIEF SECRETARY

AND 4 ORS.

... Respondents

Mr. Ashwin D. Bhobe, Advocate for the petitioner.

Ms. Priyanka Kamat, Additional Government Advocate for respondent Nos.1 & 3.

Mr. D. Lawande and Mr. P. Dangui, Advocates for respondent No.2.

Mr. I. Santimano, Advocate for respondent No.4.

Mr. G. Panandikar, Advocate for respondent nos. 5(A) and (B).

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 17th July 2019

ORAL ORDER:

Heard learned Counsel for the parties.

2. In pursuance of the various orders made in this petition, the Statutory Authorities have filed their responses. The Member Secretary of the Goa State Pollution Control Board (GSPCB) has filed an affidavit stating that the GSPCB has issued a Consent to Operate

under the Water (Prevention & Control of Pollution) Act and the Air (Prevention & Control of Pollution) Act to the respondent No.5 for a period of six months. Such Consent to Operate is dated 27/06/2019. In the affidavit it is also stated that the GSPCB will monitor compliance of the conditions of Consent to Operate for a period of six months and only on satisfactory compliance by the respondent No.5 - Unit, final decision will be taken in the matter.

3. Mr. Lawande, learned Counsel for GSPCB on the basis of instructions now states that such monitoring will be carried out each month for a period of six months and only thereafter a final decision will be taken whether to continue the Consent to Operate or not. In the meanwhile, Mr. Lawande, learned Advocate also points out that as against the Consent to Operate dated 27/06/2019, the petitioner, if aggrieved, has remedy by way of an appeal.

4. According to us, the petitioner, if still aggrieved, can approach the Appellate Authority with his grievances in relation to the Consent to Operate dated 27/06/2019. With this liberty, we propose to dispose of the present petition. We also accept the statement of Mr. Lawande, learned Advocate that there shall be monitoring each month.

5. So far as the relief in terms of prayer clause 'c' is concerned we direct the respondent No.4 i.e. Margao Municipal Council to dispose of the petitioner's complaint dated 26/02/2018 as expeditiously as possible and in any case within a period of six weeks from today. The respondent No.4 shall comply with principles of natural justice and if necessary, afford opportunity of hearing to both the petitioner as well as the respondent No.5 before taking any decision in the matter. The decision to be communicated to the parties within one week from the date the same is taken.

6. The petition is disposed of with the aforesaid directions and liberty. No order as to costs.

7. All concerned to act on the authenticate copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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