

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 29 OF 2019

GAU GYAN FOUNDATION, REP. THR.

JAGPREET LUTHRA.

... Petitioner

Versus

STATE OF GOA, THR. THE CHIEF

SECRETARY AND 5 ORS.

... Respondents

Mr. C. Padgaonkar, Advocate for the Petitioner.

Mr. Pravin N. Faldessai, Addl. Government Advocate for Respondent Nos.1, 3 and 5.

Mr. J. A. Lobo, Advocate for Respondent No.2.

Mr. M. Amonkar, Central Government Standing Counsel for Respondent No.7.

Coram:- M. S. SONAK &

NUTAN D. SARDESSAI, JJ.

Date:- 28th August, 2019

Oral Order (Per M. S. Sonak, J)

Heard Mr. Padgaonkar, learned counsel for the Petitioner, Mr. Faldessai, learned Addl. Government Advocate for Respondent Nos.1, 3 and 5, Mr. J. A. Lobo, learned counsel for Respondent No.2 and Mr. Amonkar, learned Central Government Standing Counsel for Respondent No.7.

2. Mr. Padgaonkar submits that this PIL pertains to functioning of Goa Meat Complex, which is a Government Company registered under the Companies Act. He submits that the functioning is in breach of rules, regulations and guidelines which apply to the functioning of slaughterhouse or abattoir.

3. Mr. Padgaonkar submits that on the date when the petition was filed, Respondent No.2 did not have permission to operate. He submits that the permissions have been obtained after the petition was actually filed and this is he submits that this is a serious illegality. He further submits that the State Committee for slaughterhouse i.e. Respondent No.4 is required to send biannual reports to the Central Committee and to refer the issues that may be required the Central Committee recommendations or Central Government assistance. He submits that this guideline is being observed only in breach.

4. Mr. Padgaonkar further submits that the treatment plant at the slaughterhouse/abattoir is purporting to treat the waste collected outside the campus of Goa Meat Complex. He submits that this is again a serious breach and gives occasion for serious pollution and health hazard. He submits that the Petitioners have referred to breakdown of vehicle at Marvasada-Usgao, containing waste collected from outside the Goa Meat Complex campus. He submits that the

Goa State Pollution Control Board is required to act in regard to such violation and therefore, some directions are necessary to the Goa State Pollution Control Board for emergent action.

5. Finally, Mr. Padgaonkar submits that having permissions is one thing but functioning in accordance with the permissions is quite another. He submits that the Goa Meat Complex /slaughterhouse does not function in accordance with the terms and conditions subject to which such permissions may have been granted. He submits that there is no supervision by any Authorities. He therefore submits that some directions are necessary to stop functioning of the Goa Meat Complex.

6. Dr. R. H. Prabhugaonkar, Managing Director of Goa Meat Complex Ltd., has filed a detailed affidavit on behalf of Goa Meat Complex i.e. Respondent No.2 in this petition. In paragraph 6 of the affidavit he stated that there are all permissions for operation of slaughterhouse/abattoir. The paragraph 6 of the affidavit reads thus :-

“6. I say that the requisite licenses/permissions which have been renewed by Respondent No.2 are as follows :

i) License from Goa State Pollution Control Board dated 14/06/2019.

*Annexed hereto and marked as **EXHIBIT R-1** is a true photocopy of the said license.*

ii) Factory License from Inspectorate of Factories and Boilers dated 01.07.2019.

*Annexed hereto and marked as **EXHIBIT R-2** is a true photocopy of the said license.*

iii) License under Food Safety and Standards Act, 2006

dated 28.08.2018.

*Annexed hereto and marked as **EXHIBIT R-3** is a true photocopy of the said license.”*

7. Mr. Lobo, learned counsel for Respondent No.2 submits that the allegation that the Goa Meat Complex is functioning without any permissions is false and irresponsible. He submits that all permissions are very much in place. He submits that before the consent to operate or certain other permissions which have a fixed tenure expire, Respondent No.2 invariably applies for renewal by complying with all prescribed formalities. On some occasion, there is some delay in receipt of actual permission. He points out that there are in fact directions issued by this Court that the application for renewal should be disposed of expeditiously. He submits that the Petitioners seek to raise hue and cry on this aspect and seek to stall functioning of the Goa Meat Complex. Mr. Lobo referred to certain averments in the affidavit to submit that this is not a bonafide Public Interest Litigation.

8. On the aspect of collection of waste from outside the complex, Mr. Lobo referred to the averments in paragraph 15 of the affidavit in reply.

9. Mr. Lobo submits that since the Goa Meat Complex, which is a Government body operates in accordance with rules, regulations and guidelines, this petition may be dismissed.

10. Mr. Amonkar, learned Standing Counsel for the Central Government states that if the reports, from the State Committee are received, necessary action in terms of law will be taken by the Central Committee, if such action is indeed called for and necessary.

11. According to us, the allegation regard the Goa Meat Complex functioning without any permissions has been suitably explained in the affidavit filed on behalf of Respondent No.2. The sweeping allegation that the Goa Meat Complex is functioning without permissions or approval obviously cannot be accepted looking to the material on record. It is possible that there is delay in securing renewal which again, is really not for reasons attributable to the Goa Meat Complex as per records placed before us. The Goa Meat Complex applied for renewal within time but there is some delay on the part of the Authorities in disposing of such application for renewal. Obviously on that count, we cannot accept the Petitioners' contention very sweepingly made that the Goa Meat Complex is functioning without any permissions or approval from the concerned Authorities. The contents of paragraph 6 of the affidavit which we have transcribed herein above establish that the Goa Meat Complex has obtained necessary permissions from the concerned Authorities.

12. In so far as functioning of State Committee is concerned, Mr. Padgaonkar is right that in terms of guidelines which are referred

to in our judgment and order dated 22.07.2016 in Writ Petition No.296 of 2013 that the State thereafter has to send biannual reports on the State slaughterhouse to the Central Committee and to refer issues that may require the Central Committee recommendations or Central Government assistance as the case may be. We direct the State Committee to act accordingly.

13. So far as the allegation relating to the waste treatment facility is concerned, we find that the same is substantially redressed. The Petitioners, seek to make an issue about one particular incident, which has been specifically explained in the return filed on behalf of Respondent No.2.

14. In paragraph 15 of the return filed on behalf of Respondent No.2, this is what is stated :-

“15. With regard to the contents of para 5 the same are denied as being false. It is stated that the Petitioner alongwith other likeminded persons with their ideology are spreading concocted rumors only with a view to stop operations. It is stated that only once there was an incident where there was a breakdown of a vehicle at Marvasada-Usgao containing waste collected from outside the campus. It is stated that the breakdown of vehicle is a rare and exceptional phenomenon which the Petitioner with some unsavory elements are seeking to take advantage. It is stated that to manage and treat slaughterhouse waste, requirement of working Dry rendering Plant (DRP), is a must, and for the running of such plant the machinery requires 40% soft tissue and 60% hard tissue. It is stated

that the abattoir in Goa produces soft tissue on slaughter and 60% hard tissue which is bones, etc., are not produced that the meat complex as deboning of the meat is not undertaken at the factory. It is stated that this hard tissue has to be procured from outside the campus as in order to make the plant operationally viable it requires both the components which requires 3 tonnes of waste at a time per cooker and to maintain a cycle of operation of dry rendering plant three cookers in a sequence require to be operated. It is stated that utmost care and precaution is taken by the respondent no.2 in handling such waste and the contractor is also required to maintain the same standards.”

15. According to us, the aforesaid, constitutes sufficient and satisfactory explanation. Accordingly, we see no merit in the allegation relating to waste treatment facilities.

16. Finally, the allegation that the Goa Meat Complex is functioning *dehors* the terms and conditions subject to which permissions have been granted is quite vague and therefore, cannot be entertained. It is necessary to note that the Goa Meat Complex is a Government company and there is no reason to believe that the Government company deliberately flout the legal provisions or terms and conditions subject to which the permissions may have been granted. In case there is any concrete case of breach, it is always open to any parties to point out such breach. However, the objective should not be somehow or other to try and find out whether there is any slight or unintentional deviation and on such basis insist upon closure of

functioning of Goa Meat Complex. Such an approach can hardly be regarded as some approach in public interest. On this occasion, we do not wish to go into the allegations made in the affidavit in reply by Respondent No.2 which suggest that this petition is motivated. However, if this position continues, we will have to go into such issue with seriousness, which is required.

17. We dispose of this writ petition in the aforesaid terms. There shall be no order as to costs.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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