

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 437 OF 2019**

Jolly Metals, Survey No.155/1, Mullem,
Village Panchayat of Paroda, Quepem, Goa
- 403 705. Through it's Proprietor, Mrs.
Seema Dias, major of age, wife of Mr.
Clafasio Dias, Indian National, resident of
House No. 151, Agramorod, Paroda,
Salcete, Goa. Petitioner

Versus

Goa State Pollution Control Board,
Through its Member Secretary, Nr. Pilerne
Industrial Estate, Opposite Saligao
Seminary, Saligao, Bardez, Goa. Respondent

Mr. Kaif Noorani, Advocate for the Petitioner.

Mr. D. Lawande with Mr. P. Dangui and Mr. A. Prabhudessai,
Advocates for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 18th June, 2019

ORAL JUDGMENT:

Rule made returnable forthwith. Mr. Lawande, the
learned Counsel, waives service on behalf of the respondent.
Heard finally by consent of parties. This petition can be
disposed of on a short count.

2. The petitioner is challenging the decision taken by
the Goa State Pollution Control Board (Board, for short), in its
138th meeting held on 29.03.2019, thereby imposing

compensation of Rs.1 lakh, on the petitioner, for damage to the environment on “Polluter Pays” principle.

3. It appears that earlier, there was a complaint filed by one Gabriel Fernandes, against the petitioner alleging violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The Board considered the complaint in its 135th meeting and a decision was taken in its 136th meeting held on 13.02.2019 on the said complaint.

4. The learned Counsel for the petitioner pointed out that the said decision taken in its 136th meeting held on 13.02.2019, has not been served on the petitioner. Be that as it may, presently, we are not concerned with the decision taken by the Board in its 136th meeting held on 13.02.2019 and the challenge is confined to the decision taken by the Board, in its 138th meeting held on 29.03.2019.

5. The learned Counsel for the respondent, in all fairness, states that the petitioner has not been heard in the 138th meeting on 29.03.2019, which decision has been taken on the basis of certain guidelines adopted by the Board.

6. It can thus be seen that the impugned decision taken on 29.03.2019, is clearly in breach of the principles of natural justice. In such circumstances, the decision taken on 29.03.2019 and the consequent direction dated 24.04.2019, are hereby set aside. It would be open to the Board to hear the petitioner and then pass appropriate orders, in accordance with law. All rival contentions, including the question of quantum of compensation, are kept open. Rule is made absolute in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

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