

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 554 OF 2019

IN

WRIT PETITION NO. 437 OF 2019

GABRIEL FERNANDES.,

... Applicant

Versus

GOA STATE POLLUTION CONTROL BOARD,
THR. ITS MEMBER SECRETARY.,

... Respondent

Mr. Jitendra P. Supekar, Advocate for the Applicant.

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 ORDER:

This is an application for impleadment, on the ground that the applicant is the original complainant, on whose complaint the Goa State Pollution Control Board (Board, for short), has taken action against M/s Jolly Metals, the original petitioner.

2. On hearing the learned Counsel for the parties, it appears that the complaint filed by the applicant was considered by the Board in its 135th meeting and the decision was taken thereon in its 136th meeting held on 13.02.2019.

3. The learned Counsel for the original petitioner pointed out that the said decision has neither been communicated to the petitioner nor is subject matter of challenge in the petition. It is pointed out that the decision, which is subject matter of challenge in this petition, is the one taken by the Board in its 138th meeting held on 29.03.2019 and the consequent direction issued on 24.04.2019.

4. It can thus be seen that the order impugned in this petition, cannot be said to be taken on the basis of the complaint by the present applicant. That appears to be a distinct decision taken by the Board in its 136th meeting held on 13.02.2019, which is not subject matter of challenge in the main petition. For this reason, the impleadment, in my considered view, cannot be allowed. The Civil Application is accordingly dismissed.

C. V. BHADANG, J.

EV