

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 501 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

1. State of Goa, through its Chief
Secretary, Secretariat, Porvorim,
Goa.
2. The Collector and District
Magistrate, South Goa District,
Matanhy Saldanha, Administrative
Complex, near KTC Bus Stand,
Margao, Goa.
3. Mamlatdar of Salcete, office of the
Mamlatdar, Salcete.
4. Goa State Pollution Control Board,
Through its Member Secretary, Nr.
Pilerne Industrial Estate, Opposite
Saligao Seminary, Saligao, Bardez,
Goa.

.... Respondents

Mr. Kaif Noorani, Advocate for the Petitioner.

Ms. Susan Linhares, Additional Government Advocate for
Respondent Nos. 1, 2 and 3.

Mr. D. Lawande with Mr. Pradosh Dangui, Advocates for
Respondent No. 4.

CORAM : C.V. BHADANG, J.**DATE : 27th June, 2019**

ORAL JUDGMENT:

Rule made returnable forthwith. The learned Additional Government Advocate waives service on behalf of respondent nos. 1, 2 and 3 and Mr. Lawande, the learned Counsel, waives service on behalf of respondent no. 4. Heard finally by consent of parties.

2. The challenge in this petition is to the order dated 31.05.2019, passed by the respondent no. 4-Goa State Pollution Control Board (Board, for short), under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, thereby revoking the consent to operate the unit of the petitioner and a direction to the Collector to take necessary action for closure/suspension of the said unit.

3. Pursuant to the order of the Board, the Collector has passed an order dated 11.06.2019 for closure/suspension/sealing of the premises of the petitioner.

4. The only contention raised on behalf of the petitioner is that the show cause notice was received by the petitioner on 13.05.2019 and in the meantime, the Board had taken a

decision on 08.05.2019, which is in breach of principles of natural justice.

5. Undisputedly, the petitioner filed a reply to the show cause notice on 15.05.2019.

6. Mr. Lawande, the learned Counsel for the respondent no. 4, in all fairness, states that without going into the question whether, the petitioner had received the show cause notice subsequent to the decision taken on 08.05.2019, in as much as, the petitioner has now filed reply, the respondent no. 4 shall grant an opportunity of hearing to the petitioner and shall then decide the show cause notice afresh and in accordance with law.

7. In that view of the matter, the following order is passed:

O R D E R

- (i) The petition is allowed.
- (ii) The impugned orders are hereby set aside.
- (iii) The respondent no. 4 shall hear the petitioner and shall decide the show cause notice afresh, on its own merits and in accordance with law.

- (iv) Rival contentions of the parties, are left open.
- (v) Rule is made absolute in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

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