

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 504 OF 2019

JOLLY METALS, THR. ITS PROP.,
SEEMA DIAS AND ANR., ... Petitioners

Versus

GOA STATE POLLUTION CONTROL BOARD,
THR. ITS MEMBER SECRETARY AND
ANR., ... Respondents

Mr. Kaif Noorani, Advocate for the Petitioner.

Mr. D. Lawande, Mr. P. Dangui, Mr. A. Prabhudessai and Mr. J. Mathew, Advocates for the Respondent No. 1.

Mr. J. P. Supekar, Advocate for Respondent No. 2.

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

Date:- 16th October, 2019

P.C.:

Heard learned Counsel for the parties.

2. Dr. Shamila Monteiro, the Member Secretary of the Goa State Pollution Control Board (GSPCB) has filed an affidavit today in which she has stated that the order of the GSPCB imposing penalties upon the petitioners has already been set aside by the learned Single Judge of this Court, on the ground that the same was made without complying the principles of natural justice. In the aforesaid affidavit, she has stated that since

the facts in relation to imposing of penalties and facts in relation to commencement of prosecution are somewhat similar, the GSPCB will hear the petitioner and thereafter take appropriate decision in the matter.

3. Mr. D. Lawande, learned Counsel for GSPCB states that both the petitioner as well as respondent No.2 will be heard by GSPCB and thereafter take appropriate decision in accordance with law.

4. Mr. Lawande, learned Counsel further points out that the decision which is challenged in the present petition was in fact never communicated to the petitioner and therefore, there is no question of the same becoming effective. He however, states that now the parties will be heard and thereafter, appropriate decision will be taken in the matter.

5. Based upon the aforesaid, the present petition is disposed of.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

MF/-