

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WRIT PETITION NO.69 OF 2019

THE GOA FOUNDATION,
THR. ITS SECRETARY, DR.
CLAUDE ALVARES.,

.... Petitioner.

V/s.

1. THE GOA STATE POLLUTION
CONTROL BOARD,
THR. ITS MEMBER SECRETARY
AND 5 ORS.

.... Respondents

Ms. Norma Alvares along with Mr. Sivagnanam Karthikeyan,
Advocates for the Petitioner.

Mr. D. Pangam, Advocate General along with Mr. Deep Shirodkar,
Additional Government Advocate for the Respondents no.2, 3 and 5.

Mr. S.S. Kantak, Senior Advocate with Abhijit Gosavi, Advocate for
the Respondent no.6.

**Coram : M. S. SONAK &
SMT. M.S. JAWALKAR, JJ.**

Date : 16th December, 2019.

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

Heard Ms. Norma Alvares, the learned Counsel for the

petitioner, Mr. D. Pangam, the learned Advocate General along with Mr. Deep Shirodkar, the learned Additional Government Advocate for the respondents no.2, 3 and 5 and Mr. S.S. Kantak, the learned Senior Advocate for the respondent no.6.

2. One of the main changes to this petition is to the renewal of consent to operate and authorization or to the order dated 19/09/2019 issued by the Goa State Pollution Control Board, i.e. the respondent no.1 herein.

3. It is pointed out that in terms of the Air (Prevention and Control of Pollution) Act, 1981 and of the Water (Prevention and Control of Pollution) Act, 1974, the consent to operate and authorization or the renewal of consent to operate by order dated 19/9/2019 granted to M/s. Vedanta Limited is appealable to the Appellate Authority which is the Administrative Tribunal of Goa. Accordingly, we see no reason as to why the petitioner should not be relegated to the alternate remedy under the said Acts. If the petitioner have remedy under any other Acts, they are at liberty to avail of the same.

4. The provisions of Sec.31 of the Air Act and 28 of the Water Act, provide for such appeals to be instituted within 30 days,

however, there is a provision of condonation of delay. In the present case, the petitioners have been pursuing remedy bonafide before the authority and then before this Court.

5. In these circumstances, no doubt, these matters will be taken into consideration by the Appellate Authority under the said two Acts.

6. Insofar as the remaining challenges are concerned we do not feel it appropriate to go into the same at this stage. However, we make it clear that such challenges should not have been deemed to have been concluded by the present order. With liberty as aforesaid, this petition is disposed of.

7. All concerned to act on the basis of an authenticated copy of the Order.

SMT. M.S. JAWALKAR, J. M. S. SONAK, J.

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