

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1456 OF 2019

RDC Concrete (INDIA) Pvt. Ltd.

..Petitioner

Versus

The State of Maharashtra and another

..Respondents

Mr. Atul Singh, Advocate for the Petitioner.

Mr. M. M. Pabale, AGP for Respondent No.1 – State.

Mrs. Sharmila U. Deshmukh, Advocate for Respondent No.2.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 22nd AUGUST, 2019

P.C.

1] Reply has not been filed to the Writ Petition which challenges a closure notice dated 24.01.2019 issued by the Maharashtra Pollution Control Board withdrawing the consent to operate dated 11.07.2017 and directing the Petitioner to stop manufacturing activity at it's plant at Sr. No.113, 114/2, Village Khoni, Taloja Concrete Road, Near Vijay Hotel, Dombivali (E), Tal. Kalyan, Dist. Thane where the Petitioner has installed a unit to supply Ready Mix Concrete.

2] On a complaint made, the officers of Respondent No.2 visited the plant on 30.10.2018. An inspection report regarding spot observations was drawn up and based on the report a notice dated 01.12.2018 was issued requiring the Petitioner to attend the hearing on 07.12.2018 at 11.30 a.m. The claim of the Petitioner is that the said

notice dated 01.12.2018 was not served upon it till 28.12.2018. The Petitioner claims that one Ravi who works in the office informed on 27.12.2018 that some hearing was proposed to held on 28.12.2018. The Petitioner wrote on 31.12.2018 that it had rectified the deficiencies. The impugned order thereafter came to be passed.

3] Learned counsel for the 2nd Respondent states that in that view of the matter, the 2nd Respondent would revisit the premises of the Petitioner with prior intimation to the Petitioner and cause fresh inspection to be made in the presence of the representative of the Petitioner who should sign the inspection report. If the plant is found complying with the conditions of the consent to operate, that would be the end of the matter. If the inspection report reveals that the violation persist, the Petitioner would suspend the operation till the plant is made compliant with the conditions of the consent to operate.

4] Needless to state if the 2nd Respondent finds that there is violation of the condition consent to operate and the Petitioner disputes, the Petitioner would be entitled to file a fresh Petition in this Court.

5] Recording the consent as afore-noted, we dispose of the Petition suspending operation of the impugned order.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE