

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2901 OF 2019

M/s. Goel Ganga India Pvt. Ltd. & Anr. .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

Mr. S.K.Mishra, Senior Advocate with Nikhil Sakhardande, Pralhad Paranjape, Ms. Shubhra Paranjape and Mr. Manish Kelkar for petitioners

Mr. Y.S.Khochare, AGP for State – respondent No.1

Mr. Sanjay Jain with Ms. Gauri Mestha I/b. L.J.Law for intervenor.

CORAM : B.R.GAVAI &
DAMA SESHADRI NAIDU, JJ.

DATE : 13th March 2019.

P.C.

The limited relief claimed in this petition is seeking a direction to the respondent No.3 to decide the proposal seeking amendment in existing environmental clearance for completion of the project.

2] The petition challenges the decision of the respondent No.3 taken in its meeting dated 16th August 2018 by which the proposal of petitioners seeking amendment to the environmental

clearance has been deferred by the State Expert Appraisal Committee, awaiting the opinion of the learned Advocate General.

3] Almost four months period has lapsed from the said date. When the law requires a particular decision to be taken in a period of 60 days, then, it cannot be deferred in eternity on the ground that opinion of learned A.G. is awaited.

4] Mr. Kochare, learned AGP states that there are certain difficulties for respondents in deciding the proposal of the petitioners.

5] When we direct the authority to take a decision in the matter in accordance with law, we cannot direct the authority to exercise its discretion in a particular manner.

6] In that view of the matter, we do not find that the stand taken by the respondent – State is justified. The learned AGP fairly states that learned A.G. would give his opinion to the Committee within a period of one week from today.

7] In that view of the matter, we direct the respondent No.3 to consider and take decision on the proposal of petitioner in the next meeting which should be conducted within a period of one month from today.

8] Petition disposed of in the aforesaid terms.

(DAMA SESHADRI NAIDU, J)

(B.R.GAVAI, J)