

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 3327 OF 2020

Reliable Sizing Works & Ors. ...Petitioners

Versus

State of Maharashtra and Ors. ...Respondents

Mr. Mayur Khandeparkar a/w Mr. Manoj Harit a/w Mr. Akhil Kapade
a/w Mr. Mahendra C. Jawale i/by Manot Harit and Co. for the
petitioners.

Mr. R.V. Govilkar a/w. Adv Shaba Khan for respondent nos. 2 & 3.

Mr. Rahul Kate for respondent no. 5.

Ms. K.N. Sounke, AGP for respondent no. 1 State.

Mr. Prakash Dhumal, Sub Regional Officer present.

CORAM : B.P. DHARMADHIKARI,
ACTING CHIEF JUSTICE &
NITIN R. BORKAR, J.
DATE : MARCH 11, 2020

P.C.:

23 Units manufacturing sized yarn at Malegaon are before this Court with a common grievance. Submission is without any opportunity, the orders closing down their manufacturing activities have been passed on 3/9/2019 or thereabouts and thereafter highhandedly though Law does not permit, these units have also been sealed.

2. Support is being taken from the procedure contained in Rule 20A of the AIR (Prevention and Control of Pollution) Rules, 1982 which are relevant here. Our attention is also invited to section 21(2) (Proviso) of the Air (Prevention and Control of Pollution) Act, 1981 to submit that when an application for consent to operate is moved to State Board, the operation can begin and continue till the consent is refused.

3. Apart from Pollution Control Board, the water supply department of Malegaon Municipal Corporation and State Government are party respondents. Learned advocates respectively appearing for them state that the sealing of the establishments of the petitioners has not been ordered by any of them and the units have not been sealed by them.

4. We take this statement made by the respondents on record. Petitioners therefore, can remove the seal after due intimation to Municipal Corporation, Malegaon and local police station.

5. Insofar as relevance of deeming fiction contained in proviso to section 21(2) of the Air (Prevention and Control of pollution) Act, 1981 is concerned, at this stage, we only note that in all the cases period for which consent was allowed had expired. The respondent Pollution Control Board states that the inspections were carried out and some objectionable material like

functioning of the units despite closure notice was noticed.

6. There are 23 petitioners before us and they have applied for consent to operate on different dates. According to respondents, verification of these applications will require some time.

7. We find that interest of justice can be met with by directing respondent nos.2 and 3 to complete the exercise of verification in accordance with law within next three months.

8. We direct the petitioners to pay additional 22 sets of court fees to the Registry of this court within next two weeks.

9. Subject to above directions and keeping all contentions of the parties open, we dispose of the writ petition.

NITIN R. BORKAR, J.

ACTING CHIEF JUSTICE