

SHRIKANT NAYAK AND 9 ORS ... Petitioners.
VS
STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 7 ORS. ... Respondents.

Mr. Parag S. Rao and Ms. Meghana Gopal Naik, Advocates for the
Petitioners.

Mr. Devidas Pangam, Advocate General with Mr. Deep Shirodkar, Additional Government Advocate for Respondents No.1, 4, 5, 6, and 7.

Mr. Pavithran A.V., Advocate for Respondent No.2.

Mr. A.D. Bhobe, Advocate for Respondent No. 8.

**Coram: M.S. SONAK &
SMT. BHARATI H. DANGRE, JJ.**

Date: 8th March 2021

P.C.:

On 03.03.2021, we made the following order:-

“1. At the request of Mr. A.D. Bhobe, learned Advocate for the respondent No.8, we place this matter on 08/03/2021.

2. The GSPCB confirms that there is no consent to operate in favour of the respondent No.8. The GSPCB also confirms that directions have been issued to respondent No.8. to stop the operation.

3. *Accordingly, on Monday, i.e. 08/03/2021, Mr. Bhobe, learned Counsel to make a statement whether the respondent No.8 will stop the operations until the respondent No.8 obtains consent to operate.”*

2. In response to such order, the Respondent No.8 has filed a signed statement before this Court which reads as follows:-

“The Respondent No.8 most respectfully states as under:

1. *Vide order dated 03/03/2021, this Hon'ble Court was pleased to place the matter today for the Respondent No. 8 to make a statement whether the Respondent No.8 will stop operation until the Respondent No.8 obtains consent to operate.*

2. *The Respondent no. 8 without prejudice to any of the rights and contentions of Respondent no. 8 in the petition, states that the Respondent No. 8 will stop operation until the Respondent obtains consent to operate / renewal of the consent to operate from the Goa State Pollution Control Board.”*

3. Mr. Bhobe points out that Respondent No.8 is also personally present in this Court and he identifies her signature on the statement dated 08.03.2021 which is taken on record.

4. The statement is accepted as an undertaking to this Court and Respondent No.8 is directed to act accordingly.

5. Mr. Rao submits that the Petitioner has filed complaints before the GSPCB as well as Village Panchayat of Tivrem in respect to the activities undertaken by Respondent No.8. The authorities to dispose of such complaints on their own merits and in accordance with law as expeditiously as possible and in any case within eight weeks from today. The authorities will have to comply with principles of natural justice and fair play. In the peculiar facts of this case, the authorities, if necessary, may afford a hearing to the Petitioner at the time of hearing Respondent No.8.

6. The decision will have to be communicated to these parties.

7. We have not gone into any other issues in this petition. Accordingly, all contentions of all parties are specifically left open.

8. The Petition is disposed of in the aforesaid terms.

BHARATI H. DANGRE, J

jfd/-

M.S. SONAK, J.