

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

WRIT PETITION NO. 7135 OF 2022

Naiknavare Profile Constructions	}	
Pvt. Ltd.	}	Petitioner
versus		
State of Maharashtra and Ors.	}	Respondents

Mr. Jagdish G. Aradwad (Reddy) for the petitioner.

Ms. R. A. Salunkhe, AGP for respondent no. 1 (State).

Ms. Sarika Shetye i/b. Mr. S. B. Shetye for respondent no. 4 (MPCB).

**CORAM: DIPANKAR DATTA, C. J. &
MADHAV J. JAMDAR, J.**

DATE: OCTOBER 17, 2022

P.C.:

1. The petitioner had applied for clearance before the State Level Environment Impact Assessment Authority (hereafter "SEIAA", for short) of a project that it is proposing to undertake. However, the SEIAA had deferred consideration of such application filed by the petitioner till a final decision in Original Application No. 7 of 2022 (WZ) on the file of the National Green Tribunal, Western Zone Bench, Pune (hereafter "NGT (WZ), Pune" for short).

2. On the last occasion, when we had considered the writ petition, we had expressed our doubt about the entertainability thereof in view of the availability to the

petitioner of an alternative remedy before the NGT (WZ), Pune and had directed listing of the writ petition today to hear the petitioner's senior counsel.

3. Mr. Reddy, learned advocate for the petitioner has placed before us today an order dated 27th September 2022 passed by the NGT (WZ), Pune on Original Application No. 7 of 2022 and invited our attention to paragraph 10 thereof. Paragraph 10 reads as follows: -

"10. From the side of respondent No. 13, learned counsel Mr. R. Mahabal has appeared and submits that he has already filed reply-affidavit. He further appraised us that the application for amendment of E. C. filed by respondent No. 13 is pending with the SEIAA for last two and half years and it is not being decided only because present Original application is pending. We direct that since there is no stay order passed in this matter, SEIAA is at liberty to decide the application filed by respondent No. 13 at the earliest as per rules."

4. In view of the aforesaid order, we are of the clear opinion that the purpose for which this writ petition had been instituted has worked itself out. The same stands disposed of without granting any relief as claimed in this writ petition, but expressing hope that the order of the NGT (WZ), Pune will be complied with by the SEIAA.

5. No costs.

6. All contentions are left open.

SALUNKE
J V

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by SALUNKE J V
Date: 2022.10.17
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(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)