

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2677 OF 2023**

SHREE SWAMI SAMARTH ENTERPRISES
THROUGH ITS
PROPRIETOR MAYA SHARAD PAWAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS ..RESPONDENTS

...

Mr. Sushant C. Yeramwar, Advocate for the Petitioner.
Mr. A. R. Kale, AGP for Respondents-State.
Mr. S. K. Mishra, Senior Advocate a/w Mr. Kaustubh Deogade,
Advocate for Respondent No.2.

...

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 06th MARCH, 2023.**

P.C:-

1. Admittedly, an appeal preferred by the petitioner against the order of respondent no.2-Maharashtra Pollution Control Board (hereinafter referred to as 'Board') passed on January 23, 2023 is pending before the State Government.

2. It is the contention of the petitioner that she is willing to satisfy the shortfalls, which were communicated to her by the respondent no.2-Board as reflected in the impugned order dated April 11, 2022.

3. Mr. S. K. Mishra, learned senior counsel appearing for respondent no.2 on instruction submits that, if the petitioner is willing to comply with the shortfalls notified in the communication dated April 11, 2022, respondent no.2-Board

would re-consider the entire issue afresh. He would urge that the petitioner can be directed to appear before respondent no.2-Board on a given date.

4. As such, we dispose of this petition with following directions:

- a. The petitioner shall appear before respondent no.2-Board on 20th March, 2023 reporting compliance of the shortfalls notified to her by notice dated April 11, 2022.
- b. We expect respondent no.2-Board to grant an opportunity of hearing to the petitioner after she reports the compliance. The respondent no.2-Board shall pass a fresh order within a period of four weeks from the date of appearance of the petitioner.
- c. Needless to clarify that respondent no.2-Board shall pass an order without being influenced by the pendency of the Appeal before the State Government, as according to us the said Appeal has rendered infructuous in view of the present order.

5. Writ Petition is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE