

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 108 OF 2023
IN
PIL WRIT PETITION NO. 23 OF 2022

PROVIDENCE REALTY AND
RESOURCES LLP

... Applicant.

Versus

THE MULAKH KHAJAN
FARMERS ASSOCIATION, THR.
ITS SEC. SAKHARAM ANANT
PEDNEKAR AND 4 ORS

... Respondents

Mr Jairaj Ashok Lohar, Advocate *for the Applicant.*

Ms Norma Alvares, with Mr Om D'Costa, Advocates *for the original Petitioners.*

Mr D.J. Pangam, Advocate General with Mr Deep Shirodkar, Addl. Govt. Advocate *for Respondents No. 3 and 4.*

Mr Pavithran A.V., with Mr Samuel Abraham, Advocate *for Respondent No.5.*

Mr S.D. Lotlikar, Senior Advocate with Ms Sailee Keny, *Advocate for Respondent No.16.*

**CORAM: DHIRAJ SINGH THAKUR &
M. S. SONAK, JJ.**

DATED: 20th MARCH 2023.

P.C. :-

1. One of the issues highlighted in the PIL Petition was with regard to the manner of transportation of ore from TC No. 5/49

and 13/29. It was highlighted that the transportation could not be permitted without setting up of requisite monitoring stations by the Goa State Pollution Control Board (GSPCB).

2. By virtue of an interim order dated 4th May 2022, certain directions were issued and liberty was granted to Respondents No. 6 to 16 to apply for modification of the interim order.

3. In the present application, the Applicant is seeking modification of the order dated 4th May 2022. It is stated that the Applicant (original Respondent No.10) would not transport the ore through the village area and an alternate route has been identified, which is also reflected in the annexure to the Application. It is also stated that the alternate route has since been placed before the GSPCB, which is considering the grant of permission. The issue of setting up of monitoring stations is also stated to be under consideration, for which it is said that the expenses will be borne by the Applicant and a decision by the GSPCB is expected to be taken with a period of two weeks.

4. In that view of the matter, Ms Alavares, learned Counsel for the original Petitioners states that she will have no objection to the Application being granted and the order dated 4th May 2022 being modified, in case all requisite permissions are obtained and adequate steps are taken to transport the ore through other than

village area, as also the issue of pollution is addressed, which according the Petitioners is caused on account of such transportation.

5. We are also apprised that the last date for completion of transportation of the ore, in question, was fixed as 31st March 2023 which, however, could not be achieved by the Applicant on account of the interim directions issued by this Court. The orders of this Court should prejudice none.

6. In that view the matter, we feel that appropriate extension of time ought to be given to the Applicant for transportation, subject to fulfilment of other conditions. The learned Advocate General states that the case of the Applicant will be considered for extension and suitable time shall be granted to the Applicant to transport, once the decision is taken by the GSPCB.

7. Misc. Civil Application is disposed of.

M. S. SONAK, J.

DHIRAJ SINGH THAKUR, J.

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