

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8138 OF 2014

M/s. Agarwal Dyeing and Ors. ... Petitioners.

V/s.

State of Maharashtra and Ors. ... Respondents.

WITH
CIVIL APPLICATION NO. 2621 OF 2014
IN
WRIT PETITION NO. 8138 OF 2014

Vanashakti, A Charitable Public
Trust and Anr. ... Applicants/Interveners

In the matter between

M/s. Agarwal Dyeing and Ors. ... Petitioners

V/s.

State of Maharashtra and Ors. ... Respondents.

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Mr. Saket Mone a/w Mr. Vijay Kumar Aggarwal and Ms Shamim
Shaikh for the Petitioners.

None for the Applicant in 2621 of 2014.

Ms Rutuja A. Ambekar for Respondent Nos. 2, 3 and 4.

Mr. N. C. Walimbe, Addl. G.P. a/w Mr. M. M. Pabale, AGP for
Respondent – State.

.....

CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.

DATE : 8 November 2023.

P.C. :

On 18 October 2023, the following order was passed:

“ Heard learned Counsel for the Petitioners and the learned AGP for the State.

2 None for the Respondents- Maharashtra Pollution Control Board. The learned Counsel for the Petitioners has drawn our attention to the order dated 10 September 2014, which reads thus:

“Not on Board Taken on Board.

1. Heard the learned Senior Counsel appearing for the petitioners, the learned Counsel representing the second to fourth respondents and learned AGP for first respondent.

2. An action of closure is sought to be taken on the basis of order dated 3rd May, 2014 ('Exhibit K' to the petition). The said order is passed on the basis of the order passed by the National Green Tribunal, Pune in the matter of 'Tarun Patel Vs. Gujarat Pollution Control Board and Ors.'. It is pointed out that the said order of the National Green Tribunal, Pune, has been stayed by the Gujarat High Court under the order dated 3rd June, 2014 ('Exhibit N-1' to the petition).

3. Hence, by way of ad-interim relief, we direct that no further steps shall be taken till the next date on the basis of the directions contained in the communication dated 3rd May, 2014.

4. The petition be listed on scheduled date

which is 8th October, 2014.”

3 The interim order granted on 10 September 2014 has been continued. The learned Counsel for the Petitioners states that the proceedings referred to as pending in Gujarat High Court are now disposed of by the Division Bench of Gujarat High Court by order dated 30 October 2018. The learned Counsel for the Petitioners states that there have been subsequent amendments in the statutory provisions and also consent have been granted. The learned Counsel states that in view of these developments, the impugned order will not survive.

*4 None appears for the Respondents- Board, stand over to **8 November 2023.***

5 If none appears for the Respondent-Board on the next date or these assertions are not controverted, then we will proceed on the basis of the statement of the learned Counsel for the Petitioners to pass appropriate orders.

6 The additional affidavit to be filed before the next date with copy to the Respondents. The learned Counsel for the Petitioners states that he will inform the order to the Advocate for the Respondents-Board and the reason for adjournment.”

2 Thereafter, additional affidavit is filed on 4 November 2023, wherein the Petitioner has stated as under:

“3. I submit that pending the above petition, the MoEF (Central Ministry of Environment and Forest) amended the Environment (Protection) Rules, 1986 by issuing two Notifications dated 01.01.2016 and dated 10.10.2016, whereby the Individual Industrial Units connected with their CETP were allowed to maintain their outlet COD norms equal to the inlet COD norms of their CETP, to which they are connected. I submit

that the CPCB (Central Pollution Control Board) by its letter dated 28.11.2016 directed the Respondent No. 2/ MPCB to prescribe the discharge standards in compliance with the said Notifications. I submit that pursuant to the liberty granted by this Hon'ble Court Vide Order dated 20.01.2017, the above Petition was amended and the copies of the above said MoEF Notifications dated 01.01.2016, dated 10.10.2016 and said CPCB letter dated 28.11.2016 were brought on record as Exhibits- S-1, S-2 and S-3 respectively. A copy of the said Order dated 20.01.2017 is annexed hereto and is marked as Exhibit- "B".

4. I submit that in the similar matter, the Hon'ble Gujarat High Court by Order dated 3rd June, 2014 granted ad-interim stay to the affected Industrial Units in Gujarat and based on that order, this Hon'ble Court vide Order dated 10.09.2014 also granted ad-interim relief in the above matter based on said Order of the Hon'ble Gujarat High Court. The ad-interim relief is extended from time to time. A copy of the said Order dated 10.09.2014 of this Hon'ble Court is annexed hereto and is marked as Exhibit- "C".

5. I submit that in view of the said MoEF Notifications, the concerned Gujarat Pollution Control Board (GPCB) agreed to amend the discharge standards in terms of the said Notifications and in view thereof, the Hon'ble Gujarat High Court disposed of the proceedings pending before the Court vide Order dated 30 October, 2018. A copy of the said Order dated 30 October, 2018 is annexed hereto and is marked as Exhibit- "D".

6. I submit that in view of the above developments, the Petitioners followed with the Respondents No. 2 to 4 to amend their respective discharge standards also in compliance with said MoEF Notifications dated 01.01.2016 and dated 10.10.2016 and the Respondent No.2/MPCB has amended the discharge standards of the Petitioners in terms of the said MoEF Notifications.

Details of letters/ orders of the Respondent No. 2 amending the respective discharge standards of the Petitioners are annexed hereto and marked as Exhibit-“E”, is a table of said details. Copies of two of such orders of the Respondent No. 2 amending the discharge standards are annexed hereto and marked as Exhibit- “F-Colly”. I crave leave to refer to and rely upon copies of all such Orders of the Respondent No. 2 amending the discharge standards of the Petitioners and details whereof is given in the abovementioned table.

7. I submit that the Petitioner No. 3 has changed its name from M/s. Bombay Precision Saws & Tools Pvt. Ltd. to M/s. Gurudev Texpro Dyeing Pvt. Ltd. and similarly the Petitioner No. 9 has changed its name from M/s. Maksons Chemitex Pvt. Ltd. to M/s. Binayak Tex Processors Pvt. Ltd. and accordingly the amended consent norms are issued by the Respondent No. 2 in their new names. I further submit that presently the Operations of the Industrial Units of the Petitioners No. 16, 17 & 18 are closed.

8. In the above facts and circumstances noting further would survive in the above matter and therefore this Hon'ble Court may kindly be pleased to dispose of the present Petition.”

3 The learned Counsel appears for the Respondents- Maharashtra Pollution Control Board and states that the parties are *ad idem* that in view of the subsequent developments, the dispute that led to filing of this Petition does not survive and the impugned orders have lost the efficacy.

4 Recorded the position as above, the Writ Petition is disposed of.

5 So far as Civil Application 2621 of 2014 is concerned, none appears for the Applicant/Intervener. None had appeared on the earlier occasion as well. The Interim Application is accordingly disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)