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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.376 OF 2024

GOPAL VAMAN RAUT

... Petitioner

Versus

**THE GOA STATE POLLUTION
CONTROL BOARD THR. ITS
MEMBER SECRETARY AND 7 ORS.**

... Respondents

Mr A.D. Bhobe with Ms A. Fernandes, Advocates *for the Petitioner.*

Mr Abhijeet Kamat, Advocate *for Respondent No.1.*

Mr D. Pangam, Advocate General with Mr Prashil Arolkar, Additional
Government Advocate *for Respondent Nos.2, 4, 5 and 7.*

**CORAM: M.S. SONAK &
VALMIKI MENEZES, JJ.**

DATED: 6th May 2024

P.C.:

1. Heard Mr Bhobe for the Petitioner. Learned Advocate General appears with Mr Arolkar, learned Additional Government Advocate for Respondent Nos.2, 4, 5 and 7. Mr Abhijeet Kamat appears for the 1st Respondent i.e. Goa State Pollution Control Board (GSPCB).

2. Mr Abhijeet Kamat places on record directions dated 23.04.2024 under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1972 issued to the 6th Respondent, who is the Contractor for the

Government of Goa involved in a project for supplying raw water from Tillari to Asnora water treatment plant.

3. The directions dated 23.04.2024 require the 6th Respondent to close and suspend the operations on a Ready Mix Concrete Plant (RMC plant), until further orders.

4. Mr Bhobe states that despite this closure/suspension order issued by the GSPCB, the 6th Respondent is continuing to operate the RMC plant by virtually ignoring the notice issued by the GSPCB.

5. Learned Advocate General states that the water supply project is in public interest and the RMC plant is put up close to the barrage site for producing concrete close to the site. Learned Advocate General submits that the 6th Respondent - Contractor has already applied to the GSPCB for consent to operate. He submits that some directions should be issued to the GSPCB for disposing of this application at the earliest. In the meanwhile, the Government will instruct the 6th Respondent to close/suspend the operations.

6. The GSPCB is directed to dispose of the 6th Respondent's application for consent to operate within a week from today. Such disposal should be in accordance with law and on its own merits. Until the consent to operate is granted, the 6th Respondent must not operate the Ready Mix Concrete Plant/RMC plant which is the subject matter of the directions dated 23.04.2024.

7. The GSPCB and the 4th Respondent i.e. the Deputy Collector and SDO, Bicholim must ensure that there are no operations on the RMC plant

until the GSPCB issues the consent to operate.

8. The Village Panchayat of Salem had issued a stop work order to the 6th Respondent. However, this stop work order has been stayed by the Additional Director of Panchayat-I (R-7). Based on the stay order, it appears that the 6th Respondent was continuing with the operations. The operations will now have to be stopped until there is a consent to operate from the GSPCB. In any case, we direct the Additional Director of Panchayat-I (R-7) to dispose of Case No.ADP-I/SAL/PA/108/2024 as expeditiously as possible and in any case not later than 30.06.2024. All parties before the Additional Director must cooperate with the Additional Director in the expeditious disposal of the proceedings. No unnecessary adjournments must be sought or granted in the matter.

9. This petition is disposed of in the above terms. There shall be no order for costs. All concerned to act on an authenticated copy of this order.

VALMIKI MENEZES, J.

M.S. SONAK, J.

JOSE
FRANCISCO
DSOUZA

Digitally signed by JOSE
FRANCISCO DSOUZA
DN: cn=JOSE FRANCISCO DSOUZA,
o=, ou=, email=JOSE.FRANCISCO.DSOUZA@GOV.IN, c=IN