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

**REVIEW PETITION NO.32 OF 2024
IN
WRIT PETITION NO.2834 OF 2024**

Sonvarsha Poultry Farm Thr. Its owner .. Review Petitioner
Vs.

Sub-Regional Office Maharashtra Pollution
Control Board, Sangli & Ors. .. Respondents

...

Mr. Gaurav Sharma, Advocate for Review Petitioner.

Mr. Jitendra Jagtap a/w Mr. Umesh Iyer, Mr. Devendra Avhad for
Respondent No.1-MPCB.

Mr. N. C. Walimbe, Addl. GP a/w Ms. Priyanka B. Chavan, AGP for
Respondent-State.

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**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 12th MARCH 2024.

PC. :

1. Notice on the review application is made returnable forthwith. Mr. Jitendra Jagtap, learned counsel waives notice for Respondent No.1 and 2. The learned Assistant Government Pleader waives notice for non-Applicant No.3.

2. By inviting my attention to the judgment of the Supreme Court in (*Tamil Nadu Pollution Control Board Vs. Sterlite Industries (India) Limited & Others*), (2019) 19 SCC 479 it is submitted by the learned counsel for the applicant that the remedy of appeal before the National Green Tribunal under Section 16 of the National Green Tribunal Act, 2010 is not

available for challenging composite orders passed under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 as well as Section 31A of the Air (Prevention & Control of Pollution) Act, 1981 read with the Hazardous Waste (MTM) Rules 2018.

3. While disposing of the writ petition on 28/02/2024 we had observed that the remedy of appeal is available to the petitioner for challenging the order dated 22/02/2024. Since the aforesaid decision of the Supreme Court was not brought to our notice, we are of the view that there is an error apparent on the face of record as the writ petition raising challenge to such order was not entertained and the petitioner was permitted to avail the remedy of appeal. In view of aforesaid, the judgement dated 28/02/2024 to the extent the challenge to the order dated 22/02/2024 was permitted to be raised by filing an appeal is recalled. The writ petition is restored for considering challenge to the order dated 22/02/2024. The Interim Application is allowed and disposed of.

[JITENDRA JAIN, J]

[A.S. CHANDURKAR, J.]