

Jvs.

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

WRIT PETITION NO. 11842 OF 2024

M/s. Safepack Industries Ltd. & Anr.	} }	Petitioners
Versus		
Maharashtra Pollution Control Board & Anr.	} }	Respondents

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Mr. Nachiket Khaladkar for petitioners.

Ms. Jaya Bagwe for respondents.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

DATE: 22nd AUGUST 2024

P.C.:

1. Heard Mr. Khaladkar, learned counsel for the petitioners and Ms. Bagwe, learned counsel representing Maharashtra Pollution Control Board (hereinafter referred to as "the Board").

2. By means of this petition, a challenge has been made to the order dated 13th August 2024 passed by the Regional Officer, M. P. C. Board, Pune, whereby the petitioners have been directed to stop manufacturing activities forthwith and not to resume any activity without prior permission from the Board, failing which, the Board will have no option but to initiate appropriate legal action under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

3. The said order is based on what is said to have been gathered by the officials of the Board in their visit to the industry of the petitioners on 5th August 2024, which was undertaken to check compliance of plastic notification and PMW Rule. According to the impugned order, the said inspection, allegedly conducted on 5th August 2024, revealed that the petitioners-industry was found engaged in manufacturing the banned plastic products/items and that, they had obtained consent for the manufacturing of protective packaging and allied products, however, they were carrying out production of paper coating with polyethene of 12-micron thickness and sold to M/s.Specialized Packaging.

4. The impugned order further states that during the inspection the petitioners were found not complying with the Plastic Waste Management (Amendment) Rules, 2021 and the notification dated 21st August 2021 issued by the Ministry of Environment and Forest and Climate Change, Government of India regarding single use plastic and that the petitioners had carried out unconsented products.

5. Learned counsel for the petitioners has pointed out that on 5th August 2024, no such visit was conducted as is reflected from the impugned order. When learned counsel representing the Board was confronted with this submission made by the learned counsel for the petitioners, she, on instructions, states that the date of inspection in the impugned order, i.e., 5th August 2024 has, inadvertently, wrongly been mentioned and the order is, in fact, based on the inspection conducted on 25th July 2024.

6. Learned counsel for the petitioners, at this juncture, states that the petitioners-industry is ready to give an undertaking that they will not engage themselves in manufacturing the banned plastic products/item; neither will they carry out unconsented products and further that they shall fully comply with the Plastic Waste Management (Amendment) Rules, 2021 and the notification dated 21st August 2021 issued by the Ministry of Environment and Forest and Climate Change, Government of India.

7. Accordingly, without entering into the merits of the claim of the respective parties, we permit the petitioners to give such undertaking to the satisfaction of the appropriate authority of the Board within three days from today. Once any such undertaking is given, the inspection of the premises of the petitioners-industry shall be carried out by the authorities of the Board within next three days and a decision, based on such inspection, shall be taken by the competent authority within three days thereafter whether to permit the petitioners-industry to operate or not.

8. With the aforesaid observations and directions, the writ petition is finally disposed of.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)