



Niti

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WRIT PETITION NO.28 OF 2019

ARTURO CARLOS D'SOUZA ...PETITIONER

Versus

**STATE OF GOA,
THR. THE CHIEF SECRETARY
AND 7 ORS.**

.... Respondents

Mr Nigel Da Costa Frias (through V.C.) with Mr Vineet Surlekar,
Advocates for the Petitioner.

Mr D. Pangam, Advocate General with Mr Deep Shirodkar,
Additional Government Advocate for Respondent Nos.1,2,4 and 5.

Mr Dattaprasad Lawande with Mr Pradosh Dangui, Advocate for
Respondent No.2 (through V.C.).

Mr Manish Salkar, Advocate for Respondent No.6.

Mr Pankaj Vernekar, Advocate for Respondent No.7.

**CORAM : BHARATI DANGRE &
ASHISH S. CHAVAN, JJ**

DATE : 11th SEPTEMBER 2025

ORAL ORDER : (*Per Bharati Dangre, J.*)

1. The petition raise a challenge to Regulation No.14.1.5 of the
Goa Land Development and Building Regulations 2010, which reads to
the following effect:

*“14.1.5 Sewage Treatment Plant – Sewage Treatment Plant is
mandatory for residential complexes having 50 flats/residential
units and above. Sewage Treatment Plant will not be required
if the area is already served by existing sewer lines.”*

2. On hearing the learned counsel Mr Costa Frias for the petitioner and the Additional Government Advocate on 08.09.2025, when it was urged before us that there is an inconsistency in the Regulations as the Pollution Control Board has made the installation of a sewage treatment plant compulsory for complexes housing 24 or more flats, we had requested Mr Shirodkar to obtain necessary instructions.

3. Today, the learned Advocate General, who appears before us along with Mr Shirodkar, has placed before us the background in which the Regulation 14.1.5 prescribed the figure of 50 units and he has placed before us a compilation of documents, which refer to the draft Regulations notified calling for suggestions and objections to be taken into consideration before the same are finalised and this included Regulation No.14.1.5, which proposed sewage treatment plant being made mandatory for residential complexes having 40 flats/residential units and above.

As per the procedure prescribed in Section 5 of the Act of 2008, a meeting of the sub-committee was held for deliberating upon the objections/suggestions, the Committee being headed by the Chief Town Planner and on deliberation of the aforesaid subject, the sub-committee opined thus:

“Decided to consider the suggestions and other parameters accordingly Sewage Treatment Plant is to be made mandatory for residential complexes having 100 flats/residential units and above.

Condition may be relaxed for the buildings to be connected to existing sewer lines”.

The report of the sub-committee came up for discussion before the Steering Committee Meeting held on 06.10.2016 under the Chairmanship of the Hon’ble Deputy Chief Minister/the Minister of Country and Town Planning Urban Development Department and the following decision was taken:

“Decided to retain as published in the Gazette with a change in no. of Flats/Residential units as 50 instead of 40 units and also decided that Sewage Treatment Plant will not be required if the area is already served by existing sewer lines.

The regulation shall there read as:

“Sewage Treatment Plant is mandatory for residential complexes having 50 flats/residential units and above. Sewage Treatment Plant will not be required if the area is already served by existing sewer lines.”

4. However, in the year 2016, a draft Notification was published proposing clause 14.1.5 providing for 50 flats/residential units for which the Sewage Treatment Plant shall be made mandatory. Pursuant thereto, the Notification was published. However, once again, the draft Regulations were published as the Regulations of 2010 were proposed to be amended, the Notification being published on 01.07.2021 calling for objections and suggestions and this included Regulation No.14.1.5, which proposed to substitute 24 in place of 50.

Once again the similar procedure was followed with the sub-committee conducting its duty and deliberating upon the proposed amendment but unequivocally expressing any opinion that having an

STP for every 24 flats/residential units would not be practical as the same would incur huge maintenance costs and would not be financially feasible, apart from the fact that large amount of money is already spent on the existing and proposed Sewage Treatment Plants.

The Assistant Environmental Engineer, however, suggested that the suggestions from the Committee shall be placed before the GSPCB and clarification with that regard shall be obtained.

5. The minutes of the sub-committee came up for discussion before the Steering Committee in its meeting held on 12.07.2023 and in regards to the amendment to Regulation 14.1.5, we find the following deliberation under the caption;

“Item No.7: Amendment of regulation 14.1.5, Provision of Sewage Treatment Plant.

It was explained to the Committee that the Sub-Committee was of the opinion that the provision of Sewage Treatment Plant as existing for 50 flats/units has to be retained instead of 24 flats/units as proposed due to viability of the projects and cost involved for installation and maintenance. It was also informed to the Committee that the representative of Goa State Pollution Control Board during the Sub-Committee meeting informed that he would give his comments/suggestions.

The Steering Committee directed that the clarification should be sought from Goa State Pollution Control Board.”

6. In the wake of the aforesaid documents, which include the draft Regulations, which were published and after following the procedure contemplated under the Act 2008 including the objections being invited

and being scrutinised by Sub-Committee and subsequently placed before the Steering Committee for deliberation, we find that at the end when it was suggested that the number of flats should be reduced to 24 in place of 50, ultimately the Pollution Control Board's intervention is sought by the Government. It is however to be noted that the meeting the Steering Committee was held on 12.07.2023 and it appears that till date no final decision has been arrived at so as to justify the amendment in the Regulation as suggested by the draft Notification which was published which suggested that instead of figure 50 it shall be replaced by 24 so that the Regulations are in conformity with the suggestions of the Pollution Control Board, which has advised to have Sewage Treatment Plant of a unit considering 24 flats. At this stage, we deem it appropriate that the State Government, before taking a final decision in that regard, shall have consultation with the Goa State Pollution Board and on due deliberation, necessary amendment, if warranted, in the Notification shall be notified.

Mr Salkar representing GSPCB state that Pollution Control Board shall render all assistance before clause 14.1.5 is amended as it will be able to focus upon the necessity of the Sewage Treatment Plant considering the amount of pollution that is likely to be caused as well as other factors though the State Government has only taken into consideration the cost factor. We expect this deliberation to take place within a period of three months from today, pursuant to which the State Government shall take an appropriate decision as regards cause 14.1.5.

However, we make it clear that so long as this decision is not arrived at, the present clause 14.1.5 shall be implemented.

With these directions, we dispose of the Writ Petition giving liberty to the petitioner to raise a challenge to the criteria that will be prescribed if, and, at all, such a contingency arise.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.