

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

WRIT PETITION NO. 3135 OF 2024

M/s. Auto India
V/s.

... Petitioner

Maharashtra Pollution Control Board
Corporation and Ors.

... Respondents

Mr. Saurabh Kulkarni (through V.C.) i/b. Mr. Prashant Bhat for the Petitioner
Mr. Jitendra P. Jagtap for Respondent No.1 - MPCB

**CORAM : ALOK ARADHE, CJ. AND
M.S. KARNIK, J.**

DATE : 3rd APRIL 2025

ORDER (Per Chief Justice) :

1. Issue Rule. Rule is made returnable forthwith. With consent of the parties, heard finally.

2. In this Writ Petition, the Petitioner, *inter-alia*, has assailed the validity of the order dated 17th August 2020, passed in exercise of powers under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974. The Petitioner in addition seeks to quash and set aside the order dated 17th December 2020 by which environmental compensation of Rs.41,31,250/- has been imposed on the Petitioner.

3. Facts giving rise to filing of the Petition briefly stated are that one Mr. Tausif Bagnikar filed a complaint before the National Green Tribunal, Principal Bench, New Delhi against the Petitioner *inter-alia* on the ground that the Petitioner which is a Partnership Firm and is engaged in the business of sales of spare parts and servicing of two wheeler vehicles releases hazardous effluents directly into the municipal drain, without proper treatment. As the Petitioner is releasing hazardous effluents in the municipal drain, the Krishna River is being polluted. The National Green Tribunal (NGT), by an order dated 2nd July 2020 constituted a Committee to inspect the premises of the Petitioner and to submit a report. Thereupon, the Officers of the Maharashtra Pollution Control Board (MPCB), on 10th August 2020, visited the premises of the Petitioner. The MPCB thereupon in purported exercise of powers under Section 31A of Air (Prevention and Control of Pollution) Act, 1981 and under Section 33A of Water (Prevention and Control of Pollution) Act, 1974 passed an order of closure. In the meanwhile, the NGT by an order dated 10th September 2020 directed the Maharashtra Pollution Control Board to take an action for imposition of environmental compensation. In compliance of the aforesaid order passed by the NGT, the MPCB, by an order dated 17th December 2020, imposed environmental compensation to the tune of Rs.41,31,250/- on the Petitioner.

4. With the aforesaid factual background, the Petitioner has filed this Writ Petition seeking the relief as stated supra.

5. We have heard the learned Counsel for the parties at length and have perused the record.

6. From perusal of the order passed by the NGT, it is evident that the Petitioner has failed to seek consent to operate his service station. Therefore, the NGT has directed imposition of environmental compensation. It is also pertinent to note that the NGT has observed that the MPCB shall be at liberty to process the application for consent to operate and to decide the same in accordance with law.

7. As the aforesaid application is pending before the MPCB, in the facts and circumstances of the case, we deem it appropriate to direct the MPCB to process the aforesaid application by a speaking order within a period of six weeks from today. Needless to state that in case the Petitioner is aggrieved by the orders of the NGT, it will be open for him to file an Appeal under Section 22 of the NGT Act.

8. Accordingly, the Writ Petition is disposed of.

(M.S. KARNIK, J.)

(CHIEF JUSTICE)