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

WRIT PETITION NO. 7603 OF 2025

Research Dyechem Private Ltd.

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Ashutosh Kulkarni a/w Sarthak Diwan i/by Nilesh Navale
for petitioner.

Mrs. Neha S. Bhide, Government Pleader with Mr. O. A.
Chandurkar, Addl. Govt. Pleader and Mrs. D. S. Deshmukh,
AGP for respondent no.1.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 16th JUNE, 2025

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ORAL ORDER [Per Chief Justice]:

1. In this writ petition, the petitioner, *inter alia*, seeks quashing and setting aside of orders dated 17th May, 2025 and 12th June, 2025 issued by the Maharashtra Pollution Control Board (MPCB) under provisions of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "the Water Act") and under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "the Air Act").

2. Taking into account the order this Court proposes to pass, it is not necessary to issue notice to the respondents.

3. Facts giving rise to filing of the present writ petition, in nutshell, are that the petitioner had submitted an application sometime in the month of November, 2014 along with requisite documents to MPCB seeking consent to establish and operate the factory. Thereupon, the MPCB by an order dated 29th April, 2015 permitted the petitioner to establish the factory for production of Polyvinyl Acetate Emulsions and Binder for a period of five years subject to terms and conditions.

4. A show cause notice dated 11th June, 2018 was issued by the MPCB to the petitioner asking the petitioner to show cause as to why the consent issued in favour of the petitioner should not be revoked due to non-obtaining permission from Mumbai Metropolitan Region Development Authority (MMRDA) as the factory is located in the area under the purview of MMRDA. The petitioner whereupon submitted the reply on 20th June, 2018 stating that petitioner has approached the MMRDA but it shall take time to obtain permission from MMRDA.

5. The petitioner, thereafter, on 18th April, 2024, made an application to the Fire and Emergency Department, Bhiwandi Municipal Corporation, seeking NOC. According to the petitioner the same was granted on 25th April, 2024 and is valid till 31st March, 2026.

6. Thereafter, the petitioner submitted an application for renewal of consent to operate the factory to MPCB after lapse of 1302 days. A show cause notice dated 26th July, 2024 was issued by the MPCB to the petitioner asking it to show cause as to why consent granted to it should not be revoked on

account of the non-compliances mentioned therein. The MPCB thereafter by an order dated 6th August, 2024 refused to grant consent to the petitioner to operate the factory as no reply was submitted by the petitioner to the show cause notice.

7. The petitioner, thereafter, again on 7th August 2024 applied for renewal of consent. Show cause notice dated 30th September, 2024 was issued to the petitioner. The petitioner submitted reply on the same day. Thereupon, the MPCB by an order dated 31st January, 2025 has refused to grant permission on the ground that reply to show cause notice is unsatisfactory and the documents have not been submitted. The petitioner again applied for renewal of consent. Thereupon, a show cause notice was issued on 26th March, 2025. The petitioner submitted its reply on 27th March, 2025.

8. The MPCB thereupon passed impugned order dated 17th May, 2025 under Section 27 of the Water Act and under Section 21 of the Air Act refusing petitioner's application for renewal of consent to operate on the ground of non-compliance. Thereafter, an order dated 12th June, 2025 was passed by the MPCB by which directions were issued under Section 33A of the Water Act and under Section 31A of the Air Act and the petitioner was asked to stop the manufacturing activities within 48 hours owing to non-compliances by the petitioner.

9. In the aforesaid factual background, the present writ petition is filed.

10. Learned counsel for the petitioner submitted that the petitioner, despite expiry of the time limit mentioned in the

order dated 12th June, 2025, petitioner is still operating the factory. It is further submitted that the instant writ petition be treated as a representation and MPCB be directed to take a suitable decision on the same.

11. In view of the aforesaid submission and in the facts and circumstances of the case as well as taking into account the fact that the issue whether or not the petitioner has complied with the deficiencies has to be ascertained by the MPCB, at the first instance, we deem it appropriate to direct the MPCB to consider the instant writ petition as representation and to take a decision with regard to compliance or otherwise by the petitioner with regard to deficiencies within a period of one week from today. Needless to state that MPCB shall pass a speaking order. It is further directed that in case the factory of the petitioner is operational today, the petitioner will be permitted to operate the same for a period of one week only. The MPCB is directed to pass a separate order under the Water Act and Air Act.

12. It is made clear that this Court has not expressed any opinion on merits of the case.

13. Accordingly, writ petition is disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)