

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

**WRIT PETITION NO. 15034 OF 2025**

Raj Transit Infra Private Limited & Anr. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

...

Mr. Ashish Kamat, Senior Advocate a/w Mr. Tarun Sharma,  
Ms. Apurva Gupte & Mr. Mahesh Patil, Advocates for the Petitioner.

Mr. P. P. Kakade, Additional Government Pleader a/w Mr. Aditya R.  
Deolekar, AGP for the Respondent No.1.

Ms. Jaya Bagwe, Advocate for Respondent Nos.2 and 3-MPCB.

...

**CORAM : SHREE CHANDRASHEKHAR, CJ &  
GAUTAM A. ANKHAD, J.**

**DATE : 13<sup>th</sup> NOVEMBER 2025.**

**Per, Shree Chandrashekhar, CJ :**

This writ petition filed by the Raj Transit Infra Private Limited through one of its directors, namely, Mr. Rajendra Malayya Kalal seeks to challenge the closure directions dated 8<sup>th</sup> October 2025 issued by the Regional Office of the Maharashtra Pollution Control Board, Thane (for short, MPCB) under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 (for short, Water Act) and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 (for short, Air Act).

2. The aforesaid order of closure directions has been issued in relation to the Ready Mix Concrete ( for short, RMC) plant of the Raj Transit Infra Private Limited (for short, petitioner-company) situated at Village – Ghodbundar, Mira-Bhyandar, Thane.

3. By an order dated 22<sup>nd</sup> October 2025, the Vacation Court restrained the respondents from disconnecting the water and electricity supply to the petitioner-company till 10<sup>th</sup> November 2025.

4. By the impugned closure directions, the petitioner-company was directed to immediately close down its RMC plant. It is recorded in the communication dated 8<sup>th</sup> October 2025 containing the closure directions that the competent authorities have been directed to disconnect electricity and water supply at the RMC plant of the petitioner-company. The petitioner-company states that it is in lawful occupation and possession of the industrial premises on the basis of a Leave and License Agreement dated 26<sup>th</sup> March 2024 and the RMC plant has been established thereon. It has obtained a trade license dated 5<sup>th</sup> October 2025 from the Licensing Department of the Mira-Bhyanadar Municipal Corporation and the Consent to Establish Certificate has been issued by the Regional Office, MPCB on 7<sup>th</sup> May 2024 under the Water Act, Air Act and the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016. The petitioner-company further states that the certificate issued by the Regional Office records that the RMC plant satisfies all the environmental parameters. It has been granted a factory license and the mandatory certificate of stability in Form No.1A under Rule 3-A of the Maharashtra Factories Rules, 1963 has been obtained.

5. The petitioner-company further states that the Mira-Bhyanadar Municipal Corporation has issued permission for operating the RMC plant on the basis of the NOC issued by the MPCB and approval by the Municipal Commissioner. Notwithstanding the statutory clearances obtained by the petitioner-company, a proposed closure directions notice was issued to it on 2<sup>nd</sup> July 2025 on the ground that (i) it did not furnish the bank guarantee for Rs.25,00,000/- as per the

consent conditions and (ii) CAAQMS data was not connected to the MPCB server as per the RMC guidelines dated 27<sup>th</sup> November 2024. The petitioner-company states that it filed a detailed reply apprising the noticing-authority that it had fully complied with both the conditions and took all remedial measures, whatever was required prior to 8<sup>th</sup> October 2025. There is a reference of an e-mail dated 30<sup>th</sup> September 2025 scheduling personal hearing for the petitioner-company on 7<sup>th</sup> October 2025 at 11:00 a.m. which was later on rescheduled to 3:00 p.m. on the same day. According to the petitioner-company, all relevant documents, licenses and compliances were produced before the Member Secretary, MPCB but those are not referred to in closure directions contained in the communication dated 8<sup>th</sup> October 2025.

6. The communication dated 8<sup>th</sup> October 2025 containing the closure directions is reproduced herein below :

**"No. MPCB/ROT/CD/2510080005**

**Date: 08/10/2025**

**To,**

**M/s. Raj Transit Infra Pvt Ltd,**

*Shed No. 32, Ground Floor,*

*D. S. Patel Compound,*

*Tal. and Dist. Thane*

**Sub:** - *Closure Directions under section 33A of the Water (P & CP) Act, 1974 & under section 31A of the Air (P. & C. P.) Act, 1981 and read with Hazardous & Other Wastes (M & T) Rules, 2016.*

**Ref:** - 1) *Consent granted by Board.*  
2) *Complaint received regarding nuisance due to RMC plants of Ghodbunder Village w.r.t. air pollution dtd. 09/09/2025.*  
3) *Visit of Boards official to your unit dtd. 11/09/2025.*  
4) *Action proposal submitted by Sub-Regional Officer, Thane-II vide Legal Unique No. MPCB-Legal\_Actions-020725023, dtd. 17/09/2025.*

- 5) *Personal Hearing was extended before Member Secretary of the Board on 07/10/2025.*
- 6) *Approval for closure received from HQ dtd. 07/10/2025.*

**WHEREAS**, you are operating your industry in Water & Air pollution prevention area declared under Water (P&CP) Act, 1974 Air (P&CP) Act, 1981.

**AND WHEREAS**, the Board had granted the conditional consent to operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016.  
**AND WHEREAS**, it is obligatory on your part to comply with the same.

**AND WHEREAS**, it was also obligatory on your part to provide adequate and efficient pollution control devices and take adequate measures to control air and water pollution from all sources so as to achieve the standards prescribed in the Environment (Protection) Act, 1986.

**AND WHEREAS**, Complaint received regarding nuisance due to RMC plants of Ghodbunder Village w.r.t. air pollution.

**AND WHEREAS**, Sub Regionla Officer, Thane-II has submitted legal proposal vide ref. no. 4 stating the following non compliances:

- 1) *Your have provided barricading of tin provided only about 25 feet height instead of 30 feet height.*
- 2) *Tyre washing is done by manual method instead of Automatic two level tyre washing facility at entry and exit point for transit mixer vehicle.*
- 3) *You have not provided concrete pit for effluent generated from transit mixer and vehicle washing and discharging into drainage.*
- 4) *You have provided CAAQMS, however same is not connected to MPCB server.*

**AND WHEREAS**, this amounts to blatant violation of environmental norms which shows your gross negligence attitude towards pollution control.

**NOW THEREFORE**, in the exercise of the powers conferred u/s 33A of Water (Prevention & Control of Pollution) Act 1974, and 31A of Air (Prevention & Control of Pollution) Act, 1981 I, Regional Officer, MPCB, Thane hereby directed to close down your RMC activity, immediately. Please note that competent authorities are hereby directed to disconnect your electricity and water supply.

*In case of your failure to comply these directions, further suitable action which may be deem fit, as per the provisions of the Environmental Act's will be initiated against your unit, which may please be noted.*

*This is issued with the approval of competent authority of Board.*

sd/-

**(Kiran N. Hasabnis)**  
Regional Officer, Thane”

**Copy submitted to:**

1. Member Secretary, M. P. C. Board, Mumbai.
2. Assistant Secretary (Technical) M. P. C. Board, Sion, Mumbai.

**Copy to:**

1. Adani Group, Kashimira, Kashigaon, Post. Mira, Tal. & Dist. Thane-He is directed to disconnect electric supply, of above-mentioned industry immediately from receipt of these directions and report compliance accordingly.
2. The Executive Engineer (Water supply), Mira Bhayander Municipal Corporation, Thane-He is directed to disconnect water supply, of above-mentioned industry immediately from receipt of these directions and report compliance accordingly.
3. Sub-Regional Officer, Thane-II, MPC Board, Thane.  
-You are directed to serve these directions to the unit and ensure the compliance of the directions.

sd/-

**(Kiran N. Hasabnis)**  
Regional Officer, Thane”

7. In the aforesaid factual background, we have heard Mr. Ashish Kamat, the learned senior counsel for the petitioner-company, Mr. P. P. Kakade, the learned Additional Government Pleader and Ms. Jaya Bagwe, the learned counsel for the respondent-MPCB. The learned counsel for the respondent-MPCB has endeavoured to support the communication dated 8<sup>th</sup> October 2025 and submitted that the factual aspects of the matter can be ascertained only after the physical verification of the RMC plant of the petitioner-company. However, having examined the materials on record and, in particular, the letter dated 9<sup>th</sup> September 2025 a reference of which has been made in the communication dated 8<sup>th</sup> October 2025, we have formed an opinion that this writ petition can be disposed of at this stage without calling for response of the respondents on affidavit. The reason is that the entire proceeding initiated against the petitioner-company stems from the complaint dated 9<sup>th</sup> September 2025 written

by the Transport Minister of Government of Maharashtra. The closure directions proceeding against the petitioner-company was initiated vide communication dated 2<sup>nd</sup> July 2025 issued under the signature of the Regional Officer, MPCB. The communication dated 8<sup>th</sup> October 2025 under which closure directions have been issued to the petitioner-company is also under the signature of the Regional Officer, MPCB. However, the entire exercise undertaken by the MPCB is vitiated in view of the complaint made by the Minister through the letter dated 9<sup>th</sup> September 2025. The communication dated 8<sup>th</sup> October 2025 for the closure directions to the petitioner-company contains *quasi* judicial determination by a statutory authority which prejudicially affects the rights of the petitioner-company to carry on its business in accordance with law. The communication dated 2<sup>nd</sup> July 2025 does not make a reference to the complaint dated 9<sup>th</sup> September 2025 and a reference of that letter has been made for the first time in the closure directions communication dated 8<sup>th</sup> October 2025.

8. The closure directions communication dated 8<sup>th</sup> October 2025 thus suffers from the vice of bias and has been issued against the rules of natural justice. Though in a different fact-situation, the Hon'ble Supreme Court observed in '*Purtabpore Co. Ltd. v. Cane Commissioner of Bihar & Others*' (1969) 1 SCC 308 that the executive officers entrusted with a statutory discretion are not absolved from their duty to exercise their personal judgment in individual cases. The non-compliances recorded in the said order referred to (i) Tin barricading not upto the height of 30' (ii) not providing automatic two-level tyre washing facility (iii) not providing concrete pit for effluent generated from transit mixer and vehicle washing and discharge into drainage (iv) CAAQMS not connected to the MPCB server. These

deficiencies except the deficiency at serial number (iv) were not recorded in the proposed closure directions notice dated 2<sup>nd</sup> July 2025. Quite clearly, the communication dated 8<sup>th</sup> October 2025 containing the closure directions has been issued by the Regional Officer, MPCB at the instance of the letter dated 9<sup>th</sup> September 2025.

9. For the aforesaid reasons, the communication dated 8<sup>th</sup> October 2025 containing the closure directions is quashed. However, we grant liberty to the MPCB to conduct an inspection of the RMC plant of the petitioner-company and, if any deficiency is detected, it may issue a show-cause notice after affording sufficient opportunity to the petitioner-company to rectify those deficiencies.

10. Writ Petition No.15034 of 2024 is allowed to the aforesaid extent and in the aforesaid terms.

**[GAUTAM A. ANKHAD, J.]**

**[CHIEF JUSTICE]**

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DASHARATH  
PANDIT  
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