

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

WRIT PETITION NO. 15126 OF 2025

Grace Cements Private Limited & Anr. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

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Mr. Aseem Naphade a/w Ms. Apurva Gupte, Tarun Sharma, Mahesh Patil, Hansraj Solanki, Advocates for the Petitioners.

Smt. Neha S. Bhide, Government Pleader with Mr. O. A. Chandurkar, Addl. Govt. Pleader a/w Smt. G. R. Raghuwanshi, AGP for Respondent No.1-State.

Mr. N. R. Bubna, Advocate for Respondent No.4.

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

DATE : 10th NOVEMBER 2025.

P.C. :

The petitioners are aggrieved by the order dated 8th October 2025 passed by the Regional Officer, Maharashtra Pollution Control Board, Thane whereby the petitioner-company was directed to close down Ready Mix Concrete plant immediately and the competent authorities were directed to disconnect the electricity and water supply of the petitioner-company.

2. Mr. Aseem Naphade, the learned counsel for the petitioner-Grace Cements Private Limited submits that notwithstanding alternative remedy to the petitioner-company, the present writ petition shall lie in view of clear breach of the rules of natural justice inasmuch as no show-cause notice was given to the petitioner-

company. In support of his submission, the learned counsel for the petitioner-company refers to the decisions in “*Mariamamma Roy v. Indian Bank & Ors.*” (2009) 16 SCC 187 and “*Satwati Deswal v. State of Haryana & Ors.*” (2010) 1 SCC 126.

3. Briefly stated, the Maharashtra Pollution Control Board (in short, Board) initiated a proceeding for closure direction against the petitioner-company and a compliance report was submitted by the petitioner-company on 18th November 2024. The petitioner-company states that multiple remedial actions for ensuring environmental safety and dust control were taken by it. Notwithstanding that, a date for personal hearing was fixed through an e-mail dated 30th September 2025 at the Board’s Head Office at Sion, Mumbai on 7th October 2025 at 11:00 a.m. which was later on scheduled at 3:00 pm. The petitioner-company states that the report itself would disclose that the Ready Mix Concrete plant was not in operation and the mixing plant and silos were totally covered. According to the petitioner-company, the impugned closure direction suffers from procedural impropriety, arbitrariness and *malafide* on the part of the Board as “no meaningful opportunity of hearing” was ever afforded to the petitioners/petitioner-company.

4. The statements made in the writ petition reveal that hearing was given to the petitioner-company. Viewed thus, there is no requirement in law to issue a separate show-cause notice to the petitioner-company. The decisions in “*Mariamamma Roy*” and “*Satwati Deswal*” shall not avail any help to the petitioner-company. Whether or not a “meaningful” hearing was given to the petitioner-company or it was a “sham” hearing, as contended by the petitioner-company, cannot be adjudicated in the present proceedings. This plea shall necessarily require an inquiry into the facts and, that too, on the basis of hazy

facts pleaded by the petitioner-company. There is an order, a reasoned order, passed against the petitioner-company and it was pursuant to the communication dated 9th September 2025 from the Minister, Ministry of Transport, Maharashtra State Ministry that the proceedings were initiated against the petitioner-company. We are conscious that any further observation made in these proceedings may cause prejudice to the petitioner-company and, therefore, while declining to entertain this writ petition a liberty is reserved with the petitioner-company to avail of alternative remedy of appeal as available to it in law.

5. Writ Petition No. 15126 of 2025 is disposed of.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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