

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO.17 OF 2011

Nikolas H. Almeida. ..Petitioner.
Vs.
The State of Maharashtra and ors. ..Respondents.

Mr.G.R.Joshi with Vishal Kanade i/by RMG Law Associates for the
Petitioner.
Mr.J.S.Saluja,AGP. for Respondent No.1.
Mr. Prashant Chavan i/by Little &Co. for Respondent No.2.
Mr.N.D.Deshpande for Respondent No.3.
Mr.C.M.Lokesh for Respondent No.5.

**CORAM : MOHIT S. SHAH, C. J. AND
SMT. ROSHAN DALVI, J.**

DATE : 22 DECEMBER 2011

PC:

It clearly appears from the affidavit dated 21 December 2011 of the Regional Officer, Raigad of the Maharashtra Pollution Control Board that whenever the action was taken by the Regional Office against the polluting units in MIDC Mahad in Nov. 2010, Chairman of the Respondent No.3 modified the orders of closure on 14 December 2010 by imposing certain conditions including levy of fine. However, performance of the industries even in November 2011 indicates that the industries have continued to flout the Pollution Control Norms and therefore, MPCB has been forfeiting the bank guarantees.

That is not a satisfactory manner of dealing with the problem. The damage is being caused to the rivers by the polluting industries. Hence, Maharashtra Pollution Control Board to show cause why this Court should not grant interim stay against the withdrawal orders passed by the Chairman of Maharashtra Pollution Control Board on 14 December 2010 in respect of polluting industries in MIDC Mahad, District Raigad.

2 Having regard to the fact that the relaxation has been granted in favour of industrial estates on the ground that they have common effluent treatment plants but operation of such plants is found to be poor, the MIDC shall show cause as to why this Court should not grant ad interim relief restraining the MIDC from setting up industries in MIDC Mahad until performance of CETP is improved.

3 Affidavit to be filed by 16 January 2012.

4 Stand over to 23 January 2012. High on Board.

CHIEF JUSTICE

(SMT. ROSHAN DALVI, J.)