

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
SUO MOTU WRIT PETITION NO.2 OF 2007
WITH
OTHER CONNECTED MATTERS

.. *Petitioner.*

Versus

***State of Goa through Chief
Secretary and others.***

..... ***Respondents.***

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Additional Government Advocate for the State.

Mr. D. Pangam, Advocate General with Mr. A. Talaulikar, Additional Government Advocate for the State in WP No. 935 of 2017.

Mr. D. Pangam, Advocate General with Mr. Pravin Faldessai, Additional Government Advocate for the State in CP 43/2017 in PIL WP 4/2007.

Mr. D. Pangam, Advocate General with Mr. Deep Shirodkar, Additional Government Advocate for the State in PILWP No.39 of 2018.

Mr. D. Pangam, Advocate General with Mr. Sagar Dhargalkar, Additional Government Advocate for the State in PILWP No.20 of 2017.

Mr. A. D. Bhoje, Advocate for Respondent Nos. 11, 15 in SMWP No. 2 of 2007, for Respondent No. 1 in CP No. 43 of 2017, PILWP No. 4 of 2007, for Respondent No.2 in PILWP No.20 of 2017, for the Petitioner in WP No.935 of 2017.

Mr. Z. D'Souza, Advocate for Respondent Nos.33, 35 and 36.

Mr. Amit Palekar, Advocate for Respondent Nos. 29, 30, 31, 34 and 35.

Mr. Byron Rodrigues for Respondent No.2 in CP 31/2010 in SMWP 2007.

Mr. D. Lawande with Mr. P. Dangui and Mr. Ashis Cuncolienar, Advocates for the GSPCB.

Ms. A. Godinho, Advocate for Respondent No.49. in SMWP 2/2007.

Ms. Hemlata Gopi, Advocate for Respondent No.32.

Mr. D. Naik, Advocate for Respondent No. 48.

Mr. Matlock D'Souza, Advocate for Respondent No.57.

Mr. Vithoba Pednekar, Advocate for Respondent No.9.

Mr. Aires Rodrigues in person in C.P. No.43/2017 in PILWP 4/2007.

***Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.***

Date : 9th June, 2020.

P.C. :-

Heard the learned Counsel for the parties.

2. The learned Advocate General states that from out of the waste of 7555 cubic metres at the Parade Ground, Campal, Panaji, waste to the extent of 6800 cubic metres has already been remedied. He states that such remedied waste/RDF is normally transferred to the cement factory in Karnataka where it is recycled and used. He states that on account monsoons, such transfer has not been possible.

3. The learned Advocate General further states that at the site, there is 700 – 800 cubic metres of waste which remains to be remedied. He states that on account of the monsoons, the remediation will not be possible at the site.

4. Upon a query from the Court as to whether there is any authorisation for dumping and remediation of garbage at the site in question, the learned Counsel for the parties admit that there is no

such authorisation.

5. On behalf of the Goa State Pollution Control Board (GSPCB), an affidavit has been filed and the same is taken on record. However, the same will be considered on the next date of hearing.

6. Mr. Lawande, the learned Counsel for the GSPCB, on instructions, states that it may be possible to shift the 700-800 cubic metres of non-remedied waste, at the Saligao Plant. He also states, again on instructions, that the cement factory at Karnataka has now stated accepting the remedied waste/RDF. He states that in case applications are made by the Corporation of the City of Panaji (CCP) or the Goa Waste Management Corporation (GWMC) for transportation, the GSPCB will dispose of such applications at the earliest and, in any case, within two days from the date of receipt of such applications.

7. In order to enable the learned Advocate General to make a statement on the issue of transportation of both, remedied and unremedied waste, we place this matter on 12th June, 2020.

8. By 12th June, 2020, the Commissioner of the CCP to file a detailed affidavit explaining the circumstances in which the Parade Ground at Campal, Panaji was used for the purposes of dumping of garbage. In fact, such an affidavit ought to have been filed by today, but, in any case, time is granted upto 12th June, 2020 for filing of

such affidavit.

9. The learned Advocate General makes it clear that since 3 years or so no fresh dumping is taking place at the site. Mr. Bhoje, the learned Counsel for the CCP, on instructions, states that there will be no fresh dumping of garbage at this site, in future.

10. S.O. to 12th June, 2020.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.