

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-290-2020**

Kamat Towers Premises Owners

Maintenance

.... Petitioners.

Versus

Corporation of City of Panaji and ors. Respondents.

Mr. Nigel de Costa Frias, Advocate for the Petitioner.

Shri Pravin Faldessai, Addl. Public Prosecutor for the State.

Shri S. Mhambre, Advocate for the Respondent no.3.

Coram : M. S. SONAK, &

SMT. M. S. JAWALKAR, JJ.

Date : : 21st October, 2020

P.C.:

Heard Mr. Nigel de Costa Frias, learned Advocate for the
Petitioner.

2. Mr. Nigel de Costa Frias, learned Advocate submits that the
Bio Diversity Plant is set up by the respondent no. 1 and even

though a permission is necessary from the Goa Pollution Control Board, no such permission has infact been obtained. He points out that because the petitioners were complaining about the setting up of the Bio Diversity Plant, the respondent no. 1 even refused to collect the waste from the petitioners' building.

3. He submits that, it is only after the respondent no.1 was informed about the institution of this petition, the garbage was ultimately collected.

4. Mr. Costa Frias, learned Advocate points out that despite service of notice, no appearance has been put on behalf of the respondent no.1.

5. He submits that interim relief be granted as the construction is in breach of the provisions of solid waste management Rules.

6. Taking into consideration the aforesaid submission, issue notice to the respondents returnable on 26.10.2020. Though this is a date when we have posted tax matters, considering the urgency expressed, we post this matter to 26.10.2020. In

addition to the usual mode of service, private service is also permitted.

7. If, on this date, the respondent no. 1 does not put in appearance, we will be constrained to accept the factual averments made by the petitioner in this petition.

8. Today, though we are not granting any ex-parte relief, we feel that, in the matter of this nature, the respondent no.1 should itself examine whether permission from Goa Pollution Control Board is necessary. If the same is necessary and same is not obtained, the respondent no.1 itself should hold back on proceeding with the construction. However, if the respondent no.1 has all the necessary permissions, then such permissions may be placed on record by the next date, without stopping the construction in the meanwhile.

9. Stand over to 26.10.2020.

SMT.M.S.JAWALKAR, J.

M. S. SONAK, J.

MF/-