

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-22-2020**

GAWADA-KUNBI-VELIP &
DHANGAR FEDERTION (GAKUVED) ... Petitioner
Vs
State of Goa & Ors. ... Respondents

Mr. Nigel Costa Frias, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Addl. Government Advocate for Respondents No.1 to 4 & 6.

Mr. D. Lawande, with Mr. P. Dangui, Advocates for Respondent No.5.

Mr. S. S. Kantak, Senior Advocate with Mr. Nikhil Vaze, Mr. A. Gosavi, Mr. Athrain Naik and Mr. Luis Fernandes, Advocates for Respondent No.7.

Mr. Parag Rao, with Ms. Swati Kamat and Ms. S. Kushawaha, Advocates for Respondent No.8.

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

Date : 28th May, 2020

P.C.:-

Heard learned Counsel for the parties.

2. We have perused the affidavits on behalf of Respondent No.2 *i.e.* the Director of Mines and Geology and on behalf of

Respondent No.5 *i.e.* the Goa State Pollution Control Board (GSPCB).

3. Mr. Costa Frias has pointed out that in terms of the affidavit of the GSPCB, the nearest monitoring station from the loading points is at a distance of about 12 kms. We felt that this distance was too much and some monitoring station was required nearer to the loading points. We, therefore, sought for a clarification from Mr. Lawande who appears for the GSPCB.

4. On instructions, Mr. Lawande has pointed out that the monitoring station at Ambaulim-Quepem will be at a distance of about 5 to 6 kms. from the loading points. He has further made a statement, based on the instructions, that the GSPCB is not averse to setting up yet another monitoring station between the loading points and Ambaulim. Accordingly, we direct the GSPCB to take steps to set up a monitoring station between the two loading points and Ambaulim, within a reasonable period from today. All concerned Departments of the Government to co-operate with the GSPCB in setting up this monitoring station.

5. The Affidavit of the GSPCB further indicates that on 13th March, 2020 and 16th March, 2020, the AAQM parameters exceeded the permissible limits. The learned Advocate General submitted that

this excess concerns transportation by Respondent No.8. Mr. Rao, learned Counsel for Respondent No.8 disputes that position and points out that Respondent No.8 is not responsible for this situation.

6. In the aforesaid circumstances, we direct the GSPCB to issue a show cause notice to Respondent No.8 in regard to readings for 13th March, 2020 and 16th March, 2020, within a period of one week from today. Respondent No.8 to file reply within a period of one week thereafter. The GSPCB to dispose of the show cause at its earliest.

7. Mr. Costa Frias complains about breach of terms and conditions relating to transportation of ore. From the material produced on record by the Director of Mines and Geology and the GSPCB, we cannot say that there is no proper monitoring which is being carried. The learned Advocate General, as well as Mr. Lawande, have assured this Court that such monitoring will continue, so that, none of the transporters breach the terms and conditions subject to which such transportation has been permitted.

8. The learned Counsel for Respondent No.(s) 7 and 8 state that terms and conditions are being complied with. In any case, Respondents No.7 and 8 are also directed to strictly comply with the terms and conditions subject to which they have been permitted to

transport the ore. In particular, Respondents No.7 and 8 to ensure that there is no overloading of trucks; that the trucks are covered by tarpaulins and the roads are cleaned and cleared after conclusion of transportation every day. The statutory authorities are also required to continuously monitor the situation, so that, there are no breaches.

9. This matter is now posted for further consideration on 22nd June, 2020. The Director of Mines and Geology to file short affidavits, indicating the status in the matter. Advance copies to be furnished to the learned Counsel appearing for the Petitioner.

10. S.O. to 22nd June, 2020.

Smt. M.S. Jawalkar J.

M. S. Sonak, J.