

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.**ORDINARY ORIGINAL CIVIL JURISDICTION****PUBLIC INTEREST LITIGATION NO.17 OF 2011**

Nicholas H. Almeida	..Petitioner
Versus	
State of Maharashtra & Ors.Respondents.
And	
Shree Hari Chemicals Export LimitedApplicant

Mr. Vishal Kanade with Kaushika Muthukumar i/b. RMG Law Associates for the petitioner.

Mr. Nitin Deshpande for respondent No.3.

Mr. Ravi Kadam, Senior Advocate with Mr. Prashant Chavan and Ms. Shyamali Gadre i/b.Little & Co., for respondent No.2.

Dr. Sadhana Mahashabde for respondent No.6.

Dr. Sharma with Mrs. Madhubala Kajle for respondent No.4.

Ms. Kalyani Tulankar for applicant in Notice of Motion.

CORAM: MOHIT S. SHAH, C.J. &

N.M. JAMDAR, J.

DATED : 10 May 2012.

P.C.

1. Having gone through the affidavit dated 30 April 2012 of Mr.Yeshwant B. Sontakke, Regional Officer (HQ) and Incharge Joint Director (Water Pollution Control) of the Maharashtra Pollution Control Board and particularly Exhibit "4" to the said affidavit (Page 445) the following parties are directed to be joined as party-respondents to the PIL:-

1. Tarapur Environment Protection Society CETP,
Plot No.AM-29 (Pt.), MIDC, Tarapur Boisar, Dist.Thane.

2. Badlapur CETP Association, Plot No.OS-4, MIDC, Badlapur, District Thane.
3. Chikhloli – Morivali Effluent Treatment, P-17, MIDC Morivali, Ambernath, Dist. Thane.
4. Lote Pershram Environment Protection Co-op. Society, P-10, MIDC Lote, Khed, Ratnagiri.
5. Greenfield CETP Plant Pvt. Ltd. P-17, MIDC Chincholi, Dist. Solapur.

Amendment to be carried out within one week. Copy of the affidavit dated 30 April 2012 of Mr. Y.B. Sontakke on behalf of MIDC shall also be sent along with the notice to be served upon the newly added parties.

2. The newly added parties to show cause as to why appropriate directions should not be issued to the said Associations/Societies and their members for violation of the provisions of the Environment Protection Act, 1986 and the Water (Prevention and Control of Pollution) Act 1974 and the Rules framed thereunder, including the directions for closure of highly polluting industries. The newly added parties shall submit reports indicating the names and addresses of their member units and the products being manufactured by the respective units and the quantity of effluent being discharged by them daily. The report shall be filed by the respective Associations/Societies by 15 June 2012. Copy of the report shall be served on the Writ Petitioner, MIDC, MPCB and State Government and also on their respective learned Advocates.

3. As far as the units listed in Exhibit "3" to the aforesaid

affidavit dated 30 April 2012 on behalf of MPCB is concerned, the MPCB shall issue notices to the Associations/Societies calling upon them to achieve the pollution control norms as specified by the concerned Legislations/Rules.

4. Mr. Ravi Kadam, learned counsel for the MIDC states that Writ Petition No.4234 of 2008 also challenges the MIDC Circular dated 8 March 2006 for recovery of infrastructure damage charges from polluting industries.

5. Mr. Ravi Kadam, learned counsel for the MIDC also states that Suit No.23 of 2011 is also pending before the Court of Civil Judge, Khed and in the said suit also infrastructural damage charge being leveled by the MIDC is challenged. For the reasons given in the order dated 30 March 2012 notice to the plaintiff in the said suit returnable on 5 July 2012 to show cause as to why the above suit also should not be transferred to this Court along with the PIL, Writ Petition and Civil Suit No.28 of 2006.

6. Hence this PIL along with Writ Petition No.4234 of 2008, Civil Suit No.28 of 2006 transferred from the Court of Civil Judge, Junior Division, Mahad and Regular Civil Suit No.23 of 2011 shall be listed for further hearing before this Bench on **5 July 2012**.

7. In the meantime the MPCB shall also submit report indicating the summary of performance in respect of CETP and ETPs till 30 June 2012 and the action, if any, taken against highly polluting industries.

CHIEF JUSTICE

(N.M. JAMDAR, J.)