

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7042 OF 2012  
WITH  
CIVIL APPLICATION NO.2260 OF 2012

Godrej Tyson Foods Ltd. ...Petitioner

v/s.

Maharashtra Pollution Control Board  
and anr. ...Respondents

Ms.Melissa Paes i/b M/s.M.V.Kini & Co. for the petitioner.  
Ms.Sharmila Deshmukh for respondents Nos. 1 & 2-MPCB.

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

DATE : 9 MAY 2014

PC.:

Learned counsel for respondents Nos.1 & 2 places on record NEERI report dated 4 April 014, which reads as under:-

*"The factory was visited by the undersigned along with MPCB officials. Based on the site visit and discussion and assessment of working of the biofilters, it was noticed that odour did not persist in the rendering plant nor in the ETP. It can be said that the odour issue does not exist.*

*It is advisable, however, to maintain the system and periodically monitor the system. These results can be periodically shared with MPCB."*

2. The report is taken on record and marked "X" for identification.
3. In view of the above, learned counsel for the petitioner submits that the petitioner may be permitted to continue to run the petitioner's rendering unit on regular basis and not merely on trial basis.
4. Learned counsel for the petitioner further states that in compliance with order dated 10 March 2014, the petitioner did send copies of orders of this Court not only to NEERI but also to Sarpanch of Gram Panchayat of village Khairane, Taluka Panvel, District: Raigad. Affidavit of service is also filed.
5. Learned counsel for the petitioner as well as the learned counsel for MPCB state that they have not received any complaint from the village people or Sarpanch of village Khairane, Taluka- Panvel, District: Raigad.
6. Having gone through the aforesaid NEERI report and the aforesaid statement that there are no complaints from the village people or Sarpanch of village Khairane, we see no impediment to the petitioner being allowed to run rendering unit including its Pollution Control System and Bio-Filter units on regular basis. We, however, make it clear that directions given by this Court in the order dated 3 December 2013 shall continue i.e. the petitioner shall not continue its manufacturing activities in the rendering plant, when the pollution control system or the bio-filter unit is not operational or is shut down for any reason including for maintenance purpose.

