

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

P.C.:

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.

7. The Managing Director of the petitioner shall file a fresh undertaking to this Court to the aforesaid effect. Upon filing of such undertaking within two weeks from today, with copy thereof to MPCB and NEERI and to Sarpanch of village Khairane, Taluka Panvel, District- Raigad, MPCB shall permit the petitioner to run its rendering plant including the pollution control system and the Bio-filter Unit. It is further directed that MPCB shall continue to monitor the petitioner's rendering unit, the pollution control system and bio-filter unit regularly and also by surprise visit and if it finds that the petitioner's rendering unit causes any pollution or generates foul smell, MPCB shall take necessary action.

8. Petition is, accordingly disposed of in terms of the above. Liberty to people of village Khairane, Taluka- Panvel, District: Raigad to move this Court in case of any necessity.

9. In view of disposal of the petition, Civil Application No. 2260 of 2012 does not survive for consideration and is disposed of as such.

TRUE COPY
[Signature]
06/08/14
Assistant Registrar
Decree Department
High Court, Appellate Str
Bombay