

Item No.7

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[Through Physical Hearing (With Hybrid Option)]

**APPEAL NO.37 OF 2023 (WZ)
WITH
I.A.NO.245/2023 IN APPEAL NO.37/2023 (WZ)**

Trivesh Manohar Ajgaonkar

.... Appellant/
Applicant

Versus

State of Goa & Ors.

....Respondents

Date of hearing: 03.01.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant/Applicant : Mr. Sushant Adelkar, Advocate

ORDER

1. This Appeal has been preferred against the order dated 21.12.2023, passed by respondent No.2 – Goa State Pollution Control Board (GSPCB), directing, under Section 33A read with Sections 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31A read with Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, M/s Devils Club, located at Survey No.196/11, Calangute, Bardez, Goa, to close/suspend their operation until further orders.

2. The learned counsel for the appellant submits that the appellant had applied for the Consent to Operate on 31.05.2023 but despite four months having elapsed, the same was neither allowed nor rejected, hence the Consent to Operate would be deemed to have been granted under Section 25 sub-clause (7) of the Water (Prevention and Control of Pollution) Act, 1974. Despite that, the premises of the appellant have been sealed by the Mamlatdar of Bardez in the intervening night of

21.12.2023 and 22.12.2023 at 12.39 a.m. illegally. It is further argued by the learned counsel that no opportunity of hearing was given to the appellant before passing the said order, which is grave violation of principles of natural justice.

3. Considering the facts stated in the memo of appeal and the grounds raised therein, we deem it appropriate to admit this Appeal and direct the Registry to issue notice to the respondents, returnable within four weeks.

4. The appellant is directed to provide copies of the memo of Appeal and annexures thereto to the respondents, within a week.

5. The appellant is also directed to take necessary steps for service of notice upon the respondents by both ways and also through available e-mail.

6. Put up this matter for next consideration on 05.02.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 3, 2024
APPEAL NO.37/2023 (WZ)
npj