

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Appeal No. 30 of 2017  
(M.A. No. 1158 of 2017 & M.A. No. 1159 of 2017)**

**In the matter of :-**

**Mrs. Linet Nunes  
Vs.**

**Goa State Pollution Control Board & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present: Appellant: Mr. Dhruv Mehta, Sr. Adv., Mr. Ninad Laud, Mr. Shivan Desai, Ms. Anshula Grover and Mr. Anjuman Tripathy and Mr. Parth Chaudhari, Mr. Karan Mathur, Advs.**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 12  September 22, 2017</b>	<p style="text-align: center;"><b><u>Appeal No. 30 of 2017</u></b></p> <p>We have heard the Learned counsel appearing for the parties. The only objection taken in the impugned order before us is that the NOC from the Panchayat have not been furnished. This was considered as material irregularity that the NOC is pertaining to the year 2014-2015, while the consent to operate was applied after the period specifically from the Goa Pollution Control Board. The Board, therefore, revoked the consent granted which consequently resulted in closure and running of restaurant. As would be evident from the above noticed fact that the applicant had obtained NOC from Panchayat, however the NOC had validity for 2014-15. It was found out on that noting, the Board had taken the action.</p> <p>There is no disputed fact that the applicant restaurant is now been running for a considerable period with the consent of the Board.</p> <p>In light of the above, we direct as follows:-</p> <ol style="list-style-type: none"><li>1. The impugned order passed by the Board on 11<sup>th</sup> September, 2017 and 14<sup>th</sup> September, 2017 in relation to the applicant, shall be kept in abeyance</li></ol>

for a period of three weeks from today. Within this period of three weeks, the applicant shall furnish to the Pollution Control Board the NOC/approval from the concerned Panchayat.

2. If such NOC/Approval is granted, the Board shall pass appropriate order taking it to be reconsideration of the impugned order passed by the Board as this was the only ground for revoking the consent order having submission of NOC/Approval.

3. In the event the applicant does not submit the NOC/Approval from the Panchayat, the impugned order of the Board shall become operative automatically and the business of the applicant shall be liable to be shut down.

4. In the event NOC/approval is submitted before the Board, the Board will pass an appropriate order in accordance with law with its consequences.

With the above directions Appeal No. 30 of 2017 stands disposed of. No order as to cost.

**M.A. No. 1158 of 2017 and M.A. No. 1159 of 2017**

This application does not survive for consideration as the main application itself stands disposed of.

Consequently the M.A. No. 1158 of 2017 and M.A. No. 1159 of 2017 stand disposed of. No order as to cost..

.....,CP  
(Swatanter Kumar)

.....,EM  
(Dr. Nagin Nanda)