Sonam

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION (SUO MOTU) NO. 2 OF 2026

HIGH COURT ON ITS OWN MOTION
(IN THE MATTER OF THE DEAD
FISH FOUND FLOATING
IN MALA LAKE) … Petitioner

Versus

STATE OF GOA THR.
THE CHIEF SECRETARY
AND 11 ORS. ... Respondents

Mr. Nigel Fernandes, Amicus Curiae.

Mr. Devidas Pangam, Advocate General with Ms. Maria Correia, Additional Government Advocate for Respondent Nos. 1, 2,3, 4, 5, 6 and 8.

Mr. Somnath Karpe and Mr. Anand Shirodkar, Advocates for Respondent No. 7-CCP.

Mr. Rishikesh Gawas, Additional Government Advocate for Respondent No. 9.

Mr. Neehal Vernekar, Additional Government Advocate for Respondent No. 10.

Ms. Akshata Bhat, Additional Government Advocate for Respondent No. 12.

CORAM:- VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.

DATED :- 4TH NOVEMBER, 2026

P.C.:

1. On 19.10.2026, the Pollution Control Board has placed on record an Interim Report on Monsoon Water Quality Characteristics of the River Mandovi. The Interim Report records that water samples of the River Mandovi between the IFFI Jetty Point and the Mandovi Bridge were collected from 22 locations on 24.08.2026, both at high and low tide. On analysis of the samples for physico-chemical and for microbial parameters. The Report depicts on a map the locations in a River from where the samples were taken, and on conducting tests in the lab, the chemical parameters of the samples collected at the 22 locations. The Report also records that, of all 22 locations, faecal coliform readings exceed the permissible limit of 100 MPM per 100 ML, the highest being 540 MPM per 100 ML recorded at the following locations:

Location No. 1 : Upstream of the Mandovi Bridge, off Britona (540)

Location No. 3 : Near Cruise Boats Jetty (540)

Location No. 10 : Near Casino Majestic Pride (540)

Location No. 15 : Near Mid-Point towards the mouth of River Mandovi (Downstream of anchored Casinos) (540)

Location No. 18 : Near Panaji (Downstream of anchored Casinos) (540)

2. Based on this Interim Report, the Officials of the Board, have carried out preliminary inspection of four Casino Vessels operating in the River Mandovi to ascertain the status of compliance of the conditions specified in their consent to operate orders. The inspection conducted on 27.10.2026, and the Report of the inspection is being prepared. It is reported by the learned Advocate General that the Officials of the Board are also in the process of carrying out inspection of the Cruise Vessels in the River Mandovi to verify the compliance with the provisions of the Water Act and consent orders. It was also submitted that the Board is in the process of conducting Third Party Water Audit of the Casino Vessels operating in the River Mandovi through empanelled agencies. According to the learned Advocate General, the above process and the preparation of the Compliance Report would take a period of three months. It was assured that in the Interim, the Board would initiate immediate action under the Water Act against violators.

3. Considering the process of carrying out inspection and enforcement of Consent to Operate (CTO), referred to above, the Board shall place a detailed Report within a period of three months of the findings arrived at on its inspection and the action

taken against polluters who are found in breach of CTOs or otherwise in contravention of the Water Act.

4. The learned Amicus Curiae has highlighted the fact that there is a need for verification of the source of discharge of sewage/waste water into the Rua de Ourem Creek, St. Inez Creek, from Panjim city market drainage on the southern Bank of the River, and from Betim Fish Market and other seasonal canals which drain into the River Mandovi on its Northern Bank. The learned Advocate General, in response, has made the following factual submissions:

(a) The Board has, from 26/10/2026, commenced an exercise to verify if any sewage/waste water is being disposed of into the River Mandovi from its Banks. This exercise/inspection is being carried out by officials of the Board along with Officials from the Departments of Captain of Ports, Health Services, CCP, Directorate of Fisheries, respective Village Panchayats and Water Resource Department, and will be completed by 28/02/2027.

(b) At present, inspections are being conducted by Board Officials in the area from the Mandovi Bridge to the Reis Magos Church/Fort and from Kala Academy up to the Mandovi Bridge. Inspections have been conducted from 26/10/2026 up to 27/10/2026. Samples have also been

collected during the inspections, and the same are being analysed at the Board's laboratory. The Board will initiate action on the findings of the Reports of Inspection and analysis, and will take all steps to ensure that any discharge of sewage/waste water into the River Mandovi is stopped.

5. Considering these submissions, we direct that the Pollution Control Board place on record its Report containing findings based on the collection of the aforementioned samples and further place on record a Report of steps taken to ensure that the discharge of sewage and waste water being disposed on both Banks of the River Mandovi is dealt with in accordance with the provisions of the afore Act. These shall be placed before the Court on the next date of hearing.

6. With respect to verification of CTO compliance of establishments on the Banks of the River Mandovi, the Board has proposed that it can complete this exercise by November 2027 and would file interim Reports every three months.

We direct that the Board must commence verification of discharge of sewage/waste water into the Rua de Ourem Creek and St. Inez Creek, in the same manner as proposed for the River Mandovi itself. The Board shall also complete the exercise of verifying consent compliance of establishments (as required under the Water Act) located on the banks of the River Mandovi,

along the Rua de Ourem Creek and St. Inez Creek, within a time-bound period. Since this process is to be commenced immediately, the Board shall file its first Interim Report, in that behalf by the next date of hearing.

7. The Board shall undertake a qualitative and quantitative assessment of water quality in Rua do Ourem Creek and St. Inez Creek at the earliest. The GSPCB shall prepare a proposal for a qualitative and quantitative study on the water quality of the Rua de Ourem and St. Inez Creek and shall place a copy of the same before this Court on the next date of hearing. The proposal shall set out the manner in which studies will be carried out of this area, the post monsoon sampling, pre monsoon sampling and monsoon sampling, and the laboratory analysis, compilation and assessment of monsoon data to be completed. Though a final Report would take considerable time, we direct that work in terms of the proposal be commenced immediately and the Board place before us by the next date of hearing a copy of the proposal and a Report of the works already undertaken thereunder.

8. Insofar as the ongoing process of assessment of water quality in the Mala Lake is concerned, the Board shall undertake a periodic assessment, at least once a month, of the water quality in the Mala Lake, and after assessment of the water quality parameters, if it is found that any of the

parameters are beyond permissible limits, the Board should take such remedial measures to ensure the same are rectified and the source of the pollution causing such quality changes be identified; the Board shall ensure that action as contemplated under the Water Act is taken against the persons responsible for such quality changes.

9. List this matter on 08.12.2026.

AMIT S. JAMSANDEKAR, J. **VALMIKI MENEZES, J.**