IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 16053 OF 2026

CG POWER AND INDUSTRIAL SOLUTIONS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS DEPARTMENT OF ENVIRONMENT AND OTHERS
....
Advocate for the Petitioner : Mr.Shah Subodh P.
AGP for the Respondent/State : Mr.P.S. Patil,

WITH

WRIT PETITION (STAMP) NO. 36989 OF 2026

GOODYEAR SOUTH ASIA TYRES PRIVATE LIMITED
VERSUS
MAHARASHTRA POLLUTION CONTROL BOARD AND ORS.

...
Advocate for the Petitioner : Mr. Shrikant V. Adwant
AGP for Respondent-State: Mr. P. S. Patil
...

CORAM : AJIT B. KADETHANKAR, J.
(VACATION COURT)
DATE : 06.11.2026

PER COURT :

1. These two Writ Petitions contain independent challenges to the orders passed by the authorities under the Maharashtra Pollution Control Board ['the Board' for brevity] U/S 33A of the Water (Prevention and Control of Pollution) Act, 1974 [' the Act of 1974 for brevity] r/w Section 31A of the Air (Prevention & Control of Pollution) Act, 1981 ['Act of 1981' for brevity]. The Board has (I) directed closure of their respective industrial unit and activities therein, and (ii) directed the

electricity and water supply to the industrial unit to be disconnected. The respective petitioners are at pains to submit that despite no deficiency is balance the behest of the Petitioners, the Board has taken such a drastic step – that too, at such period whereby not only the Industries but the lives of thousands of employees therein is being affected.

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2. During the festival of lights, the Respondents/ Authorities by issuing the impugned order dated 03.11.2026 has ordered to close down a Light Industry itself. The reason to take such drastic step is provisions of Section 33A of the Act of 1974 with Section 31A of the Act of 1981.

3. Petitioner is a multinational company engaged in the manufacture of electrical equipment including electrical equipment, lights and lighting fixtures for residential as well as industrial purpose. As per the procedure, the Petitioner has already sought permission to conduct the said industrial activities. Such permission is named as 'Consent' in terms of the Board. The Board levies the terms and conditions, and then grants Consent to the applicant industrial unit. Subject to the fulfillment of the terms and conditions by the Industrial unit, the consent is renewed from time to time. In the case in hand, the consent is accorded

under the relevant enactment from the Competent Authorities, which is valid 30.06.2027.

4. On 15.06.2026, an Officer from the Respondent/Board visited the site of the Petitioner and recorded certain deficiencies. To be specific, the following were the objections/deficiencies :

i) The Petitioner did not submit Bank guarantee of Rs.1,00,00,000/- (Rs. One crore) as per interim directions issued by the Board on 31.05.2023.

ii) The Petitioner was not operating Effluent Treatment Plant round O'clock.

iii) The Petitioner was disposing the substandard quality effluent to CETP, i.e., Central Effluent Treatment Plant for certain values.

5. The Petitioner was called upon to answer the same. On 19.06.2026, the Petitioner replied to the visit report of the Authorities by giving explanation about the deficiencies. Subsequently, the Petitioner even with elaborate reply sought to convince the Authorities that either there were no deficiencies as has been recorded in the inspection report or the deficiencies were already removed.

6. Pertinent to note,

(i) the Petitioner brought to the notice of the Authorities that the Bank guarantee was already in existence and was extended upto 31.05.2027.

(ii) So far as another objection as regard to operation of the Effluent Treatment Plant [ETP], it was contended that at the time of visit by the

Officer, the neutralization process was underway and hence the Primary and Aeration plants were not in operation. Thus, it was sought to point out that due to the technical process, the Primary and Aeration plants were not in operation.

(iii) So far as the third objection is concerned, it was sought to be submitted that the effluent was being disposed through the Common Effluent Treatment Plant for further processing and final disposal. Thus, in the month of June itself, the Petitioner explained the deficiencies with elaborate explanation.

7. It is contended by Mr. Shah that on 03.11.2026, the Authorities issued the impugned order. The said order was received through E-mail. It is submitted that in the month of September, while Company's officer was uploading routine data and compliances on the Portal of the Board, it was learnt that a show cause notice dated 10-09-2026 was uploaded by the Board authorities on its portal. Although the notice was not served on the Petitioner Company, as an abandoned precaution the Petitioner Company replied the said notice on 29-09-2026. However, without considering the reply given by the Petitioner to the show-cause notice nor discussing anything about that, the Order impugned in the Writ Petition came to be passed.

8. In order to justify the objection raised in the Writ Petition, Mr. Shah submits that apparently the order passed under Section 33A of the Act of 1974 does not have any appellate remedy. While the impugned order passed u/s 31A of the Act of 1981 has an appellate remedy. He

submits that apparently the impugned order does not even show that a show-cause notice was issued to the Petitioner or at least the explanation which was submitted at least belated stage was considered by the Authorities.

9. It is submitted that considering the nature of the work conducted in the Petitioner/Company, the directions issued to close down the industry as also directions to the Authorities to cut the water and electricity supply, is certainly a drastic step. To show the bonafides, Mr. Shah on instructions submits that the Petitioner would additionally deposit one more bank guarantee worth of Rs.1,00,000/- within a period of two weeks from today.

10. It is further submitted that the Petitioner filed this Writ Petition on 05.11.2026 and sought urgent circulation. The Writ Petition was mentioned at the fag end of the Sitting Session of the Court. Hence due to paucity of time, the Court granted leave to the Petitioner to circulate the matter in the Vacation Court. Thus, the matter is listed today as per the leave. It is brought to the notice of this Court that copy of the Petition together with notice was sent to the Respondent Authorities on their official E-mail address. It is also submitted that although learned advocate sought to serve copy of the Petition and the notice to the paneled advocates of the respondent Board, they were unable to receive the same unless official instructions to accept it and to appear.

11. Thus, learned advocate for the Petitioner insists to issue notice and the stay the execution and operation of the impugned order as an interim relief.

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12. Feeling aggrieved by an Order dated 04-11-2026 passed by the respondent – Maharashtra Pollution Control Board (hereinafter referred as 'the Board'), the Petitioner has filed this Writ Petition. In the impugned order, here also the Board has exercised the power u/s Section 33A of the Act of 1974 r/w Section 31A of the 1981 Act. The Board has directed closure of the industrial unit of the Petitioner under the referred provisions.

13. Learned Advocate Mr. Adwant for petitioner points out a letter dated 24.10.2026, whereby the respondent Board had granted renewal of consent to operate the unit run by the petitioner in RED category which is valid upto 30.09.2029. The terms and conditions for granting renewal are stated at Page No. 77 of the Writ Petition compilation. It is submitted that suddenly on 04.11.2026, the respondent Board issued the impugned order under Section 33A of the Act of 1974 and under Section 31A of the Act of 1981. Vide the impugned order, the respondent Board directed the petitioner to close down all manufacturing activities

of the industry until further orders of the Board.

14. It seems that the Officer of the Respondent Board visited the site of the petitioner on 18.08.2026 for verification of compliance of consent conditions. During the said visit, certain non-compliances from Serial Nos. 1 to 8 were reported. It is submitted that the said compliances are the part of the renewal of the consent which was granted on 24.10.2026. That, the petitioner has even already complied with the show cause notice given by the Authorities thereby explaining the compliance.

15. Petitioner then submits that even there is nothing to show that certain activities are remained to be complied with as per the impugned order itself, and particularly in the light of the renewal of the consent. Thus, the impugned order could not have been passed. Lastly it is argued that the order passed under Section 33A of the Act of 1974 and under Section 31A of the Act of 1981, is a drastic step for which the Authorities must ensure that the adequate opportunity of hearing should have been offered to the petitioner/industry and also to ensure as to whether the circumstances are created for issuing the drastic order.

16. It is submitted by the Petitioners that the both the Companies are functioning in full operation and with their full strength. The impugned orders if not stayed, during the pendency of the Writ Petition, it would not only hamper the industries but also the employees.

17. I heard learned advocates on their respective points of objection, and also perused the annexures to the Writ Petitions. Suffice to note, an order passed u/s 31A of the Act of 1981 provides an appellate remedy u/s 31 of the Act itself. However, such is not the case in respect of an order passed u/s 33A of the Act of 1974. There is no remedy to challenge an order passed u/s 33A of the 1974 Act. Hence at the outset, to examine the maintainability of the Writ Petitions, I beneficially place my hands on the Judgment and Order passed by the Honorable Supreme Court, in the case of ***Tamil Nadu Pollution Control Board v. Sterlite Industries (I) Ltd and Ors., (AIR 2019 SC 1074),*** *the Honorable Supreme Court. At the conclusive paragraph No.46 of the Judgment, their Lordships have kept the window open for the Petitioners to approach this Court in a Writ Petition (Emph.).*

18. In the first Writ Petition (i.e. CG Power case), apparently no show cause notice was served directly to the Petitioner Company. The impugned order even does not whisper about such service of show cause notice. The acknowledgment attached to the Writ Petition shows that the Petitioner has already deposited the Bank Guarantee as was directed as interim order. The rest of the objection- although base on technical aspect, yet in view of the nature of the explanation as regards to certain industrial process, must not be sufficient to direct closure of the industrial unit itself. Moreso, the inspection was done in the month of

June 2026, and the action is initiated in November 2026.

19. In the later Writ Petition (Goodyear Tyre case), the Consent approval is recently issued by the Board to the Petitioner company. Pertinent to note, the Consent approval is issued after the show cause notice was issued and was replied by the Petitioner Prima facie, it appears that yet there is time for the Petitioner to remove the deficiency, if any. Unless the Petitioner has complied the deficiencies or the explanations, the Board would not have accorded Consent nor would have renewed the consent. From the record produced before me, prima facie it appears that the action is premature one.

20. Thus, I feel that considering the reasons recorded above the Petitioners deserve interim protection as prayed. There is yet another aspect on which I am convinced to grant interim stay to the execution and operation of the orders impugned in the Writ Petitions. Both industries are situated in the Industrial area near Chhatrapati Sambhajinagar city, and consists a thousands of various types of employees. The Petitioners may succeed or may fail to convince the Court on their merit at the conclusion of the hearing. They may even be penalized financially and/or the defaulting personnel would be accused for penal offences. However, 'Closure' of the industries in this festive season would break into a cold sweat those thousands of families whose source of earning depends on the operation of those industries.

21. For the above reasons, I pass following order:

ORDER

i. Issue notice to the respondents returnable on 19-11-2026;

ii. In the meantime, execution and operation of the order dated 03-11-2026 impugned by CG Power and Industrial Solutions ltd. in Writ Petition 16053 OF 2026; as also the order dated 04-11-2026 impugned by Goodyear South Asia Tyres Private ltd. in Writ Petition St.No. 36989 of 2026 is hereby stayed;

(AJIT B. KADETHANKAR)
JUDGE

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