

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3410 OF 2023

M/S. SHRI BALAJI ANODIZING . . . . . APPELLANT(S)

VERSUS

MAHARASHTRA POLLUTION CONTROL BOARD . . . . . RESPONDENT(S)

**O R D E R**

The only issue raised before us relates to the quantum of damages.

It is accepted that the appellant, M/s. Shri Balaji Anodizing, falls under the "Red" category. It is also accepted that consent to operate was not obtained and an effluent treatment plant was not established. However, it is accepted that the appellant-Unit is closed and is not in operation.

The main ground raised by the appellant, M/s. Shri Balaji Anodizing, is based upon the Joint Inspection Report dated 23.08.2021 as per which traces of effluent discharge into the gutter have been observed but the same was not found to be substantial in terms of quantity.

We have also gone through the Report dated 02.12.2021 of the respondent, Maharashtra Pollution Control Board<sup>1</sup>, providing the calculation/computation of damages, marked as Annexure A-11.

In terms of the aforesaid position, we are inclined to modify the R-factor and reduce the same to Rs.100/- (Rupees one hundred

1 "MPCB", for short

only) from Rs.250/- (Rupees two hundred fifty only). Accordingly, the total quantum of fine payable by the appellant, M/s. Shri Balaji Anodizing, will be ₹61,96,000/- (Rupees sixty one lakhs ninety six thousand only).

Rs.5,00,000/- (Rupees five lakhs only) deposited by the appellant, M/s. Shri Balaji Anodizing, along with interest, will be treated as a part deposit of fine and will be transferred to the respondent, MPCB. The balance amount will be paid within a period of eight weeks from today, failing which it will be open to the MPCB to take steps in accordance with the law for recovery of the balance fine/penalty.

Recording the aforesaid, the appeal is disposed of.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(SANJAY KUMAR)

NEW DELHI;  
SEPTEMBER 02, 2024.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO. 3410 OF 2023

M/S. SHRI BALAJI ANODIZING ..... APPELLANT(S)

VERSUS

MAHARASHTRA POLLUTION CONTROL BOARD ..... RESPONDENT(S)

(IA No. 94565/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No. 94560/2023 - STAY APPLICATION)

Date : 02-09-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s)

Mr. Ninad Laud, Adv.  
Mr. Saurabh Kulkarni, Adv.  
Ms. Rashika Narain, Adv.  
Mr. Ivo D'Costa, Adv.  
Ms. Anshula Vijay Kumar Grover, AOR

For Respondent(s)

Mr. Mukesh Verma, Adv.  
Mr. Pankaj Kumar Singh, Adv.  
Mr. Pawan Kumar Shukla, Adv.  
Mr. Shashank Singh, AOR  
Mr. Krishna Prakash Dubey, Adv.  
Mr. Devanshu Gupta, Adv.UPON hearing the counsel the Court made the following  
O R D E R

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)  
AR-cum-PS(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

(signed order is placed on the file)