



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.1329 OF 2026

UDAY SUDHAKAR DESSAI

... PETITIONER

Versus

ALCHEMIST ASSET RECONSTRUCTION CO.
LTD THR AKSHAT SHARMA AND ANR

... RESPONDENTS

Mr. Shivan Desai, Advocate with Mr. Jatin Ramaiya, Advocate for Petitioner.

Mr. Karan Batura, Advocate with Mr. Sarvesh Sawant, Advocate for Respondent no. 1.

Mr. Shubham Priolkar, Additional Government Advocate for Respondent no. 2.

CORAM:- S. G. CHAPALGAONKAR, J.

DATED :- 29th September, 2026

P.C.

1. This Writ Petition takes exception to Order dated 09.09.2026, passed by learned National Green Tribunal (NGT), Western Zone Bench, Pune, in Appeal No. 612/2025.

2. Mr. Desai, learned Advocate appearing for Petitioner, would assail the impugned Order firstly on ground that it has been passed in gross violation of principles of natural justice and statutory requirements under Section 19(4)(i) of National Green Tribunal Act, 2010. Secondly, text of impugned Order suggests that, prima facie, Green Tribunal was of the view that no case is made out by

the Appellant, still interim injunction is issued against Petitioner from continuing commercial activities in the premises.

3. Per contra, Mr. Batura, learned Counsel appearing for Respondent No.1, supports the impugned Order and endeavours to contend that extraordinary jurisdiction of this Court ought not be invoked in view of provisions contained in Section 22 of the Act, which provides for a direct appeal of any order passed by the National Green Tribunal. He would endeavour to take this Court through material in support of impugned Order and justify the same.

4. Having considered submissions advanced by learned Counsel appearing for respective parties, this Court is of the view that, in wake of observations made by Tribunal itself, when no merit was found in contention of Respondents, ex parte interim injunction could not have been granted, particularly without issuing notice of hearing and affording an opportunity of being heard to Petitioner as mandated under Section 19(4)(i) of the NGT Act.

5. Further, a reference to affidavit in reply filed on behalf of Respondent no.2 before NGT, indicates that on inspection of subject site, it was observed that unauthorised temporary structures which were subject matter of proceedings, had been demolished and/or removed from site. Admittedly, the grievances raised

before the Authority were with regard to the structures which were raised beyond specific licence or construction permission granted in favour of Petitioner.

6. In wake of aforesaid material, impugned Order cannot be countenanced in law, to the extent it distanced Petitioner from continuing the commercial activities within premises which is legally constructed and put into operation for commercial purpose.

7. In result, Writ Petition is allowed. The impugned Order dated 09.09.2026 passed by NGT to the extent it restrains Petitioner from carrying commercial activity, is quashed and set aside.

8. Needless to state that observations made hereinabove are only for the purpose of disposing of present Writ Petition and parties are at liberty to advance their submission on merit before NGT and, upon consideration of such submissions, further Orders can be passed by NGT without being impeded by observations made hereinabove.

9. Writ Petition is disposed of.

S. G. CHAPALGAONKAR, J.