

**IN THE HIGH COURT OF BOMBAY AT GOA**

**PUBLIC INTEREST LITIGATION WRIT PETITION NO.6 OF 2011**

Shankar Raghunath Jog,  
72, Retired government service,  
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.....Petitioner

***V e r s u s***

1. Talaulicar & Sons Pvt. Ltd  
Saniem Iron Ore Mines  
Villa Fiores de Silva  
Erasmus Carvalho Street  
Post Box No.31  
Margao – 403 601 Goa
2. Union of India  
Ministry of Environment and Forest  
Through the Secretary  
Paryavaran Bhawan  
CGO Complex, Lodi Road  
New Delhi – 11003.

.....Respondents

Mr. K. Mukherjee, Advocate for the Petitioner.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Korgaonkar, Advocate for Respondent no.1.

Mr. C. A. Ferreira, Asst. Solicitor General for Respondent no.2.

**Coram :-**      **S. A. BOBDE &**  
   **F. M. REIS, JJ.**

**Judgment Reserved on : 2<sup>nd</sup> August, 2011.**

**Judgment Pronounced on : 12<sup>th</sup> August, 2011**

**JUDGMENT (Per F. M. Reis, J.)**

Rule.

2. Heard forthwith with the consent of the learned Counsel appearing for

the Respondents. Learned Counsel for the Respondents waive service of rule and state that they do not wish to file any additional affidavits to the above Petition. Heard finally with the consent of all the Counsel.

3. The above Petition have been filed in public interest contending inter alia that the Environmental Clearance was granted for the expansion of Saniem Sacorda Iron Ore Mine operated by Respondent no.1 on 25.11.2005 for two years only. The said clearance was issued under the Environment Impact Assessment Notification , 1994 and that by letter from the Respondent no.2 dated 18.10.2007, the two year period to conduct a higher geological study was deleted. It is further his contention that the Environment Clearance expired on 25.11.2010 by virtue of the condition stipulated in the notification dated 27.01.1994 and, as such, the Petitioner wrote a letter dated 30.11.2010 to the Secretary Science Technology and Environment, Government of Goa, to stop the illegal work. Copies of the said letter were also sent to the Directorate of Mines and the Member Secretary of the Goa State Pollution Control Board. But, however, only the Member Secretary of the Pollution Control Board replied to the said letter and informed by letter dated 10.12.2010 that Environmental Clearance was granted on 25.11.2005 for the period of two years which was subsequently deleted by the said letter dated 18.10.2007 and, as such, the request of the Petitioner for stopping mining activities was rejected. Another letter was addressed on 16.12.2010 to the said Member Secretary stating inter alia that under the Environment Impact Assessment Notification 1994 (EIA Notification, 1994, for short), the validity of the Environment Clearance was for a period of five years which expired on 25.11.2010, however, no reply was received to the said letter. As the mining activities were continued by the

Respondent no.1 though the Environment Clearance had lapsed, voluminous correspondence was addressed to different authority by the Petitioner in connection with the said activity carried out by the Respondent no.1 in the said mine and ultimately having no other alternative, the above Petition came to be filed praying inter alia for a writ order or direction in the nature of mandamus requiring the Respondent no.2 to stop the operation of the Saniem Sacorda Iron Ore Mine of the Respondent no.1 and claiming compensation for environmental damage.

4. An affidavit came to be filed by the Respondent no.1 stating inter alia that the Goa State Pollution Control Board was not made a party to the above Petition and that the Petitioner who is a resident of the locality, cannot ignore the fact that the Respondent no.1's mine is a mining concession granted to the Respondent no.1 under the erstwhile Colonial Mining Laws and, as such, a deemed lease under the provisions of the Goa Abolition of Mining Concessions (Conversion of Mining Leases) Act, 1985. It is further their contention that on 15.03.2005, as a precondition for the renewal of the lease, the Respondent no.1 filed an application for Environment Clearance alongwith the proforma for appraisal of mining projects as it related to the increase in annual production as well as renewal of the mining leases. The Environment Clearance came to be granted to the Respondent no.1 and intimated by letter dated 25.11.2005, initially for a period of two years with a specific condition that the Respondent no.1 should conduct a detailed hydro geological study on the impact of the mining on hydro geology and furnish the details to the Ministry. It is further their contention that the said condition came to be complied with in the year 2007 within a period of two years and, thereafter, by letter dated 18.10.2007, the Respondent no.1 was informed about the

deletion of the said condition 20(a)(ii) of the Environment Clearance. It is further their case that the Notification dated 27.01.1994 namely the Environmental Impact Assessment Notification, has been superseded by a Notification dated 14.09.2006 which was issued in supersession of the Notification dated 27.01.1994 except in respect of things done or omitted to be done before the supersession. It is further their contention that the Petitioner is covered by the said Notification and as far as the mining projects are concerned, the same would be subject to a maximum of 30 years. It is further their case that as per the Environment Clearance issued on 25.11.2005, the Respondent no.1 is bound to submit half yearly compliance report to the Ministry of Environment. The averments made in the Petition came to be denied in the said affidavit by the Respondent no.1. It is further their case that the Goa State Pollution Control Board rightly did not act upon the letter addressed by the Petitioner. He has denied that the Environment Clearance granted to the Respondent no.1 has elapsed. It is further their case that the Respondent no.1 has the requisite clearance/permission for mining at the mines of the Respondent no.1 under the provisions of law.

5. A rejoinder came to be filed by the Petitioner disputing the contentions raised by the Respondent no.1 in his affidavit in reply. He has clarified that it is his contention that there is no Environment Clearance to operate the mine beyond 25.11.2010. He has further stated that the 2006 Notification superseding the 1994 Notification, does not affect the Environment Clearance already given under the 1994 Notification neither there is any provision to extend the validity upto 30 years. He has further stated that the Respondent no.1 has exceeded the limits and produced 0.530171 MPTA in the year 2007-08.

6. The Respondent no.2 filed his affidavit and stated inter alia that the project proponent is operating the mine with a valid Environment Clearance. It is further contended that at Para 2 (III)(c) of the EIA Notification, 1994, that the Environment Clearance granted shall be valid for a period of five years for commencement of the construction or operation of the Project. It is further his case that said paragraph contemplates that the work of the Project shall start within five years and if no activity of this Project is commenced within a period of five years, then the Environment Clearance would lapse. He accordingly stated that the Environment Clearance is valid and will continue till the current mining lease period would expire.

7. An affidavit in rejoinder came to be filed by the Petitioner. In the said affidavit, the Petitioner has stated that under the Original Notification S.O. 60(E), Environment Clearance was valid for a period of five years from commencement of the construction or operation of the project. He has further stated that this has to be distinguished from the site clearance for a mine which validity is valid for a period of five years for construction or operation of mine. The Respondent no.1 filed another affidavit and denied that the Respondent no.1 was carrying mining activities beyond the validity of the Environment Clearance granted to them. They have also denied that the Respondent no.1 has exceeded the limit and produced 0.530171 MPTA and thus violated the condition of the Environment Clearance. They have stated that the information contained in pages 55 and 56 did not disclose the correct details of the production at the mine. They have further stated that in view of the moratorium imposed by the Ministry of Environment and Forests

in granting further expansions, the application of Respondent no.1 has not been processed. Another affidavit was filed by the Respondent no.1 dated 02.06.2011. Subsequent affidavit was also filed by Respondent no.1 dated 20.06.2011 and a sur-rejoinder was filed by the Ministry of Environment and Forests dated 19.07.2011.

8. Shri Mukherjee, learned Counsel appearing for the Petitioner has submitted that the grievance of the Petitioner is essentially that the Respondent no.1 is carrying out the mining operations in the mine despite the fact that the Environment Clearance granted to him expired on 25.11.2010 and, as such, the activity carried out by the Respondent no.1 at the mines is illegal. The learned Counsel further submitted that the Respondent no.1 expanded his production after the coming into force of the Environmental Impact Assessment Notification on 27.01.1994 and, as such, the activities carried out by the Respondent no.1 come within the scope of the provisions of the said Notification. The learned Counsel has taken us through the circular dated 28.10.2004 and pointed out that Clause 1.2 provides that all mining projects of major minerals of more than five ha lease area which have so far not obtained an environmental clearance under the EIA Notification of 1994 shall do so at the time of renewal of their lease in the context of the Judgment of the Apex Court dated 18.03.2004. The learned Counsel has pointed out that it is mandatory for all Mining Projects of major minerals to comply with the requirements of the Environment Clearance under the said Notification before carrying out their mining activity. The learned Counsel further submitted that the said Notification of 1994 has been issued in exercise of powers under the provisions of Section 3(v) of the Environment Protection Act, 1986 and, as such,

the requirement of obtaining such Environment Clearance is extremely essential considering the impact such mining activities would have in the lives of the people in the vicinity especially the Petitioner who is the resident of the locality. The learned Counsel has further pointed out that the Respondent no.1 made an application for the expansion of the mining project at the time of his renewal in the year 2005. The said Environment Clearance was granted to the Respondent no.1 in the year 2005 which was valid for a period of five years and, considering that the said period has now elapsed, further activities of the Respondent no.1 are illegal and contrary to the mandate of law. The learned Counsel has taken us through the Notification dated 27.01.1994 and pointed out that as per Para III (c), the same provides that the clearance granted shall be valid for a period of five years from commencement of the construction or operation of the project. He as such submitted that this itself clarifies that the Environment Clearance granted by the Respondent no.2 is valid for a period of five years. The learned Counsel has further submitted that the Respondents are erroneously relied upon paragraph II(e) to advance their contention that the period of five years stipulated therein is only for commencement of the project. He pointed out that accepting such a submission would be totally contrary to the objects of the Environment Protection Act of 1986 which has been especially enacted to avoid degradation of the environment on account of mining projects. The learned Counsel has further submitted that the word project in the said para III(c) of the Notification clearly includes all projects for which permission is issued by the Respondent no.2 and includes even expansion of projects and it cannot be accepted that the said period of five years is limited only to new projects and not for existing projects. The learned Counsel further submitted that as per the case of Respondent no.1, the mining activities in the mine

commenced much before the coming into force of the Environment Protection Act, 1986 and, as such, there was no subsisting permission granted by the Respondent no.1 at the time of the renewal/expansion of the mining project in the year 2005 and, as such, this itself shows that the Environment Clearance was issued to the Respondent no.1 for the first time and, consequently, the same was valid only for the period of five years from the date of the commencement of the mining activities by the Respondent no.1. The learned Counsel further submitted that the expansion of the project itself contemplates the project which comes within the meaning of the word 'project' as found in paragraph III (c) of the said Notification. The learned Counsel further submitted that the reliance by the Respondent no.1 in the Notification of the 2006 is totally far fetched as, according to him, the said Notification itself provides that the same is not applicable to the earlier Environment Clearances granted under Notification of 1994. The learned Counsel further submitted that the contention of Respondent no.2 to the effect that the validity of the Environment Clearance is co-terminus with the period of the lease is also erroneous as according to him, the Mines and Minerals Concession Rules cannot be looked into for the purpose of ascertaining the period of the validity of the Environment Clearance. The learned Counsel has further taken us through the objects and reasons of the Environment Protection Act of 1986 and pointed out that reading the said objects and the purpose for which the act has been enacted, it cannot be accepted that by any stretch of imagination that an Environment Clearance is valid for the whole lease period considering that such leases can sometimes be valid for a period of 30 years. The learned Counsel has further submitted that in the process of the mining operations, the activities of the mining project can have an effect on the environment in the vicinity and it is necessary that

such assessment be carried out periodically to ensure that there is no degradation of the environment on account of the mining activity. The learned Counsel further took us through the Notifications as well as the relevant provisions of law and submitted that the validity of the Environment Clearance has already expired in November, 2010 and any further mining activity carried out by the Respondent no.1 is illegal and deserves to be suspended forthwith. The learned Counsel as such submitted that the reliefs sought by the Petitioner be granted as prayed for.

9. On the other hand, Shri C. A. Ferreira, the learned Asst. Solicitor General, appearing for the Respondent no.2, has disputed the interpretation given to the said Notification by the learned Counsel appearing for the Petitioner. The learned Counsel has taken us through the Notification and especially Para II of the Environment Impact Assessment Notification of 1994 and pointed out that the same provides that sites for specific projects such as mining, pit-head thermal power stations, hydro-power, major irrigation projects and/or their combination including flood control, ports and harbour excluding minor ports, prospecting and exploration of major minerals in area above 500 hectares have to be identified and it is incumbent for the project authorities to intimate the location of the project sites to the Central Government while initiating any investigation and surveys. He further submitted that said clearance has to be obtained from the Central Government by such project authorities which shall be granted for the sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining. The learned Asst. Solicitor General then took us through Para III (c) of the said Notification and pointed out that the assessment has to be completed within a period of 90 days from the receipt of the requisite documents and the data from the

project authorities and completion of the public hearing and decision conveyed within 30 days thereafter. He further submitted that the said paragraph further provides that the clearance granted shall be valid for a period of five years from the commencement of the construction or operation of the project. The learned Asst. Solicitor General as such pointed out that the word 'mining' has been deliberately omitted in the said paragraph and, as such, carrying out of mining activities does not come within the purview and consequently the contention of the Petitioner that even mining projects are valid only for a period of five years cannot be accepted. The learned Counsel further pointed out the Circular dated 28.10.2004 that all mining projects of major minerals of more than 5 hectares lease areas, have to obtain Environment Clearance at the time of their renewal and, as such, the period of the validity of such Environment Clearance is co-terminus with the period of the lease. The learned Counsel further submitted that the period of the lease of the Respondent had not yet elapsed and as such the Environment Clearance granted by the Respondent no.2 in the year 2005 is still subsisting. The learned Counsel has further taken us through the Notification dated 14.09.2006 and pointed out that the validity period in respect of mining projects is to be a maximum period of 30 years. The learned Asst. Solicitor General as such pointed out that there is no substance in the contention of the learned Counsel appearing for the Petitioner and as such the above Petition is liable to be rejected.

10. Shri J. E. Coelho Pereira, the learned Senior Counsel appearing for the Respondent no.1, has supported the submissions advanced by the learned Asst. Solicitor General appearing for Respondent no.2. The learned Senior Counsel further submitted that initially Environment Clearance was valid for the

period of two years and the same came to be extended when the Notification of the 2006 came into force and, as such, the period of the validity of the Environment Clearance is 30 years in view of the said Notification. The learned Senior Counsel further submitted that mining activities did not come within the purview of validity period contemplated in para III (c) of the Notification of 1994 and, as such, the question of claiming that the validity of the Environment Clearance is only for the period of five years cannot be said to be in accordance with the provisions of the Notification. The learned Senior Counsel further submitted that the activities carried out by the Respondent no.1 are in view of the mining concession granted to them by the erstwhile Portuguese regime and, as such, the question of obtaining any Environment Clearance after coming into force the Environment Protection Act, 1986, would not arise and it was only at the stage when the mining lease was renewed and/or there was expansion in the production of the mineral in the year 2005 that the Respondent no.1 had voluntarily sought the Environment Clearance. The learned Counsel further submitted that the period of validity contemplated in Para III (c) of the said Notification is only with regard to the new projects and the same cannot be extended to the existing mining projects. The learned Senior Counsel as such submitted that the Petition deserves to be rejected.

11. Having thoughtfully considered the rival contentions of both the parties, we find that the only point for determination is to find out as to whether the Environment Clearance granted to the Respondent no.1 by the Respondent no.2 in the year 2005 is valid for a period of five years from the date of commencement of the mining project. In order to interpret the Notification of the year 1994 and to appreciate the rival contentions, it would be appropriate to consider the purpose

and the objects and reasons of the Environment Protection Act, 1986. The said Act was enacted in view of the concern over the state of the environment had grown the world over since the sixties. The decline of the environment quality has been evidenced by increasing pollution, loss of vegetal cover and biological diversity, excessive concentrations of harmful chemicals in the ambient atmosphere and in food chains, growing risks of environmental accidents and threats to life support systems. In view of the said aspects, it was found that there was urgent need for enactment of a general legislation for environmental protection which, inter alia, should enable co-ordination of activities of the various regulatory agencies, creation of an authority or authorities with advocate powers for environmental protection, regulation of discharge of environmental pollutants and handling of hazardous substances which are endangered to human environmental safety and health. The Environment Protection Act, 1986, contains certain provisions relating to the control prevention and abatement of pollution of water. Natural resources are the assets of the entire nation and it is the obligation of all concern including the Central Government and the State Government to conserve and not to waste these resources such as forests, rivers and other gifts of nature. Any threat to the ecology can lead to the violation of rights of enjoyment of healthy life under Article 21 of the Constitution of India which is required to be protected. The concept of sustained development is part of the environment cause considering the various decisions of the Apex Court. The competing claims of the present generation for development and also the claims for future generation to inherit healthy environment have to be balanced while exploiting the resources, the capacity of the environment to repair and replace have also to be taken note of.

12. Section 3 of The Environment (Protection) Act, 1986 (hereinafter referred to as 'Act of 1986'), provides that the Central Government shall have powers to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution. Sub-Section (2) of Section 3 specifies that such measures may be taken for all or any of the matters stipulated therein. In exercise of the powers conferred by sub-section (2) of Section 3 of the said Act of 1986 read with clause (b) of sub-section (3) of Rule 5 of the Environment Protection Rules of 1986, the Central Government issued the Environmental Impact Assessment Notification 1994 dated 27.01.1994, (hereinafter referred to as the "EIA Notification of 1994"). The said EIA Notification of 1994 provides that any person who desires to undertake any new project or the expansion or modernisation of any existing industry or project listed in Schedule I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi. The said paragraph further stipulates the requirements to be complied with for submitting such application. In the present case, there is no dispute that the Respondent no.1 had filed such an application in the year 2005 to the Respondent no.2 so as to obtain Environment Clearance for the purpose of the renewal as well as the expansion of the mining project carried out by the Respondent no.1. A Circular dated 28.10.2004 in connection with the procedure for obtaining Environment Clearance in cases of mining projects under the EIA Notification, 1994, was issued by the Ministry of Environment and Forests. Para 1 of the said Circular, inter alia, provides that mining projects of major minerals of more than five hectare lease areas which have started producing or increased their production and/or lease area on or after 27.01.1994 shall be included in the said

Notification. It further provides that in addition to all mining projects of major minerals of more than five hectares and which had not obtained any Environment Clearance under the EIA Notification shall do so at the time of the renewal of the leases. For the said reasons, the Respondent no.1 applied for the Environment Clearance. The Environment Clearance was issued by the Ministry of Environment and Forests to the Respondent no.1 on 25.11.2005. The clearance was issued for the expansion of the Saniem Sacorda Iron Ore Mine of the Respondent no.1 upon the terms and conditions stipulated therein. Clause 2.0 stipulates that Environment Clearance was accorded for a period of two years to the Respondent no.1 under the provisions of EIA Notification 1994 and for subsequent amendments thereto subject to the terms and conditions mentioned therein. Sub-clause (ii) thereto provides that the proponent shall within two years conduct a detailed hydro-geological study (quality and quantity) on impact of mining on hydro-geology (pre-monsoon, monsoon and post-monsoon) and furnish a detailed report on the same to the Ministry. Based on the same, a decision regarding continuation of mining beyond two years or otherwise will be taken. Clause 5 of the said permission provides that the conditions will be enforced, inter alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control) of Pollution Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 alongwith their amendments and rules. Thereafter, on 18.10.2007, the Ministry of Environment and Forests, deleted the said words in para 2 of the clearance for the period of two years as well as specific conditions to para 2(a), in view of the compliance of the said condition.

13. Considering the said aspects, we have to ascertain whether the

Environment Clearance obtained by the Respondent no.1 in the year 2005 is valid for a period of five years or stands extended for further periods as sought to be contended by the learned Counsel appearing for the Respondents. The reliance sought to be placed by Shri C. A. Ferreira, the learned Asst. Solicitor General appearing for the Respondent no.2, in para II of the said EIA Notification 1994 to advance his contention that the validity of the Environment Clearance is for commencing the mining projects, cannot be accepted. Para II of the said Notification is only for the purpose of setting site clearance and not for the operation of the projects. Para III(c) clearly provides as under :

“The clearance granted shall be valid for a period of five years from the commencement of the construction or operation of the project.”

14. The contention of Shri C. A. Ferreira, learned Asst. Solicitor General, that the word 'mining' does not find place in the said sub-para and, as such, the said period of five years cannot be applicable to mining projects, cannot also be accepted. On perusal of para 2 of the said Notification, mining is also included as a project. There is no dispute that the mining projects requires Environment Clearance in accordance with the EIA Notification, 1994, in accordance with para 1 of the said Notification. There is also no dispute that such clearance has been granted in accordance with para III of the said Notification. Once the clearance has been issued under para III of the Notification, naturally, the clearances granted shall be valid for a period of five years from the commencement of the construction or operation of the project. Expansion of the mining project is also considered to be a project for the purpose of the period of validity of the Environment Clearance.

Hence, the contentions of the learned Counsel appearing for the Respondents that the validity period of five years is not applicable to the expansion of existing mining projects, deserves to be rejected.

15. It is well settled principle of law that in cases when a statute is found to be obscure, the same must be interpreted having regard to the scheme of the Act. It is settled law that for the purpose of interpretation of the statute, the entire statute is to be read in its entirety. The purpose and the object of the Act must be given its full effect. Furthermore, in the case of the present nature involving environment issues, the principles of purposive construction must come into force. Considering the said aspects, Para III of the said EIA Notification 1994 would have to be construed with reference to the context vis a vis the other paras of the said Notification of 1994 so as to make it consistent with the purpose and objects of the said Act of 1986. In case there is no check on the environment hazard at the time of carrying out the mining activities, it can lead to degradation of the environment. Carrying out Impact Assessment within specific periods would assist in ascertaining the effects of the project activity which is sought to be pursued by the project proponent. Hence, the scheme as well as the objects of the Act of 1986, clearly stipulates that any activity carried out in respect of specific projects such as mining require Environment Clearance in order to see that such activities would not result in degradation of the environment affecting the lives of the residents in the locality. Allowing the validity of the Environment Clearance for a extended period as contended by the learned Counsel for the Respondents, would be totally unjustified in the circumstances and defeat the purpose for the Act of 1986. We cannot be persuaded to accept the interpretation sought to be given by the learned Counsel

appearing for the Respondents to the effect that there is no period of validity of Environment Clearance and the same subsists during the validity of the mining lease. It cannot be accepted that the period of validity of the environment clearance has to be ascertained on the basis of the Mining Concession Rules, which regulates the renewal of the mining lease. The only rational and correct interpretation to the EIA Notification of 1994 is that the validity of the Environment Clearance is for a period of five years from the date of the commencement of the project which includes expansion of the projects.

16. The contention of the learned Counsel for the Respondents to rely upon the Notification of the year 2006 to advance their contention that such Environment Clearances are valid for a period of 30 years, cannot be accepted. The Notification of 2006 itself contemplates that the same is not applicable to the Environment Clearances granted under the Notification of 1994. The Environment Clearance issued in the present case to the Respondent no.1 is admittedly under the provisions of the Notification of 1994 and, consequently, the question of relying upon the Notification of the year 2006, does not arise. Apart from that when the Impact Assessment was carried out with regard to the project of the Respondent no.1, the said Notification of the year 2006 was not in force nor was such assessment carried out on the basis that it would be in force for such an extended period.

17. As such, considering the facts and circumstances of the case, we find that the Respondent no.1 is carrying out the mining operations in the mine referred to in the Petition without a subsisting Environment Clearance as contemplated under the provisions of law. Considering that such permission was not obtained in

view of the stand by the Respondent no.2, we find it appropriate that the Respondent no.1 should be given liberty to seek an extension/renewal of the Environment Clearance for a further period from the Respondent no.2 in accordance with law within a period of three months. In case no such permission for such extension/renewal to the Environment Clearance is granted by the Respondent no.2, the Respondent no.1 shall discontinue the mining operations in the concerned mine after the said period until such Environment Clearance is obtained in accordance with law.

18. In view of the above, we hold that the validity of the Environment Clearance granted by the Respondent no.2 to the Respondent no.1 is for a period of five years from the date of the commencement of the operation of the mining projects/expansion of the project carried out by the Respondent no.1. In case no such renewal/extension to the said Environment Clearance is granted by the Respondent no.2 within a period of three months, the Respondent no.1 shall be restrained from carrying out any mining activities in the concerned mine until obtaining the Environment Clearance in accordance with law.

19. Rule is made absolute in the above terms with no orders as to costs.

**S. A. BOBDE, J.**

**F. M. REIS, J.**

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