

**Writ Petition No. 76/1992**

*Beach Ark Hotels Pvt. Ltd.; Shri Appu Rajan*

*V/s*

*Union of India; State of Goa; Chief Electrical Engineer; The Southern Planning & Development Authority*

*and*

*Goa Foundation (Intervener)*

**Issue:** The Southern Planning & Development Authority issued an order u/s 5 of the Environment Protection Act to the Electricity Dept directing it to cut off the electricity of Beach Ark Hotels (the petitioner) as it had not demolished the illegal fencing around its property along the beach and the illegal basement, thereby violating the environment clearance that had been issued to it by the Ministry of Environment & Forests dated 10/5/1989 for the construction of the hotel. The order was carried out and the electricity cut off. This order was therefore challenged by Beach Ark praying that the electricity be restored and that it be permitted to retain the basement and the fencing. Goa Foundation intervened in the petition in order to support the directions issued as the CRZ Notification did not permit fencing in 200 meters and basement for buildings. During the pendency of writ petition Beach Ark Hotels undertook to demolish the fencing within 15 days and close down the basement permanently within a year. The undertaking was accepted.

**Judgment: 22/4/1992**

Beach Ark Hotels have filed affidavit undertaking to demolish the fencing within 15 days and to close down the basement permanently within one year. In view of the petitioners undertaking, the electricity connection is to be restored to them. Matter disposed of accordingly.