

Spacebound Web Labs Private Limited vs Goa State Pollution Control Board on 2 June, 2026

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

APPEAL NO.27 OF 2023 (WZ)

IN THE MATTER OF:

Spacebound Web Labs Private Limited
Village Ville Parle, Near W.E. Highway,
Next to Neelkanth Complex, Sahar Road,
Ville Parle, Mumbai - 400 009.
Through its Authorized Signatory,
Mr. Earl Benedict Philip D'Souza

.....Appellant

Versus

Goa State Pollution Control Board
Through its Member Secretary,
Near Pilerne Industrial Estate,
Saligao, Bardez, Goa.

.....Respondent

Counsel for the Appellant:
Mr. Nikhil D. Pai, Advocate

Counsel for the Respondent:
Mr. Manish Salkar, Advocate

PRESENT:

Hon'ble Mr. Justice Dinesh Kumar Singh (Judicial Member)
Hon'ble Dr. Sujit Kumar Bajpayee (Expert Member)

Reserved on : 15.04.2026
Pronounced on : 02.06.2026

JUDGMENT

1. This appeal has been filed, seeking quashing of the direction dated 06.04.2023 issued by the sole Respondent i.e. Goa State Pollution Control Board (GSPCB), whereby the Board has forfeited the Security Deposit amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) submitted by the appellant.

2. The submission made by the appellant in this appeal is that it operated Sunburn Music Festival (hereinafter referred to as "said Event") held in Vagator, Goa from 28th December, 2022 to 30th December 2022 (wrongly mentioned as "from 28th December 2023 to 30th December 2023") in complete compliance with all the rules and regulations in force and with all the necessary permissions and renewals.

3. It is further mentioned in this appeal that by the present Appeal, the appellant is challenging the Direction dated 06th April, 2023, issued by the Respondent Board, which was served upon the Appellant on 18th April, 2023, whereby an amount of Rs.10,00,000/- (Rupees Ten Lakhs only) has been forfeited, which was deposited by the Appellant as a security deposit for the noise monitoring equipment, under the Polluter Pays Principle, on the ground that the Appellant failed to maintain noise levels emitted during the said Event.

4. It is further mentioned in this appeal that the Respondent Board issued the Permission dated 28th December, 2022 attached at Annexure "C" of the paper book (Wrongly mentioned as "dated 26th December, 2023") for the said Event organized by the Appellant. The said event has indirectly generated tourism, foreign tourists, employment and business for the hospitality and travel industry, which in turn contributed to the revenues for Goa. It is further submitted that the Appellant is not a fly-by-night operator, rather a permanent organizer of a prestigious event in the State of Goa as well as throughout the country, which scrupulously complies with the laws of the country. The appellant was granted permission for playing amplified sound by the Deputy Collector and S.D.M. of Bardez, Goa on 28.12.2022. As per the instructions contained in the Permission dated 26.12.2022 granted by the Respondent, the appellant deposited an amount of Rs.3,00,000/- (Rupees Three Lakhs Only), in order to enable the Respondent to set up noise monitoring equipment to measure the sound levels generated by the said Event. An amount of Rs.10,00,000/- (Rupees Ten Lakhs only) was also deposited by the appellant as a security deposit for the noise monitoring equipment installed and operated by the Respondent- GSPCB. All the sound-generating equipment including amplified sound-generating equipment were equipped with in-built noise limiters.

5. It is further mentioned in this appeal that during the said Event, the Respondent- GSPCB or their officials did not once issue Show Cause Notice or Notice for violation of any of the conditions of the said Permission dated 26th December, 2022. However, during the said Event, a PIL Writ Petition being PIL Writ Petition No.15 of 2023 (Filing No. 2728 of 2022) came to be filed before the Hon'ble High Court of Bombay at Goa making false allegations against the Appellant. Upon culmination of the said Event, the Respondent GSPCB issued the Show Cause Notice dated 06th January, 2023 relying upon the Inspection Report dated 02nd January, 2023.

6. It is further mentioned in this appeal that the noise monitoring equipment maintained by the Appellant at the said Event clearly shows that the Ambient Air Quality Standards with respect to noise were breached at no point in time. As a matter of fact, the Inspection Report dated 02nd January, 2023 clearly mentions that the background noise monitoring on 27th December, 2022 (one day before the said Event from 14.15 hours to 15.15 hours) clearly logs a noise level Leq dB of 63.8. The noise monitoring reports clearly show various such instances when the noise levels

exceeded the permissible limits or were very high even when the said Event had not started. In fact, there was no monitoring of the sound levels by the GSPCB post-10 pm i.e. after the said Event was closed.

7. It is further mentioned in this appeal that the Action Plan for Noise Mapping/ monitoring dated 05th January, 2022 notified by the Department of Environment and Climate Change of the Government of Goa on 13th January 2022 based on directions of this Tribunal requires ambient noise monitoring to be carried out for a period of 16 hours (daytime) to identify the specific source of noise due to background noise and to verify compliance of the Ambient Air Quality Standards prescribed under the Noise Rules. Such an exercise was not carried out by the Respondent and therefore, the Inspection Report dated 02nd January, 2023 based on the Noise Monitoring Equipment Logs cannot be relied upon, as the monitoring was done only for 8 hours, instead of the prescribed 16 hours. Logging Noise Monitoring Equipment at the boundary of the said Event for 16 hours would clearly identify the background noises which contribute to high noise levels when the said Event was underway. This process could have been utilized to specifically determine the noise level generated by the said Event by means of effective noise mapping.

8. It is further mentioned in this appeal that such monitoring would have shown the high levels of noise even when the said Event had concluded which was generated by the crowd gathered at the event as well as the vehicles in the vicinity. This was the situation even before the said Event started or ended and the same is attributable to the area being a tourist area which is surrounded by a football ground, Hotels, Guest Houses, Cottages, Bars, Restaurants, Clubs, etc. and therefore, there are additional factors which contribute to the noise levels, which cannot be attributed to the said Event and hence, the Appellant cannot be held responsible for the additional factors causing the breach of Ambient Air Quality Standards in respect of noise.

9. It is further mentioned in this appeal that all the equipment installed at the said Event contained in-built noise limiters which strictly ensured that the Ambient Air Quality Standards with respect to Noise were not breached by the sound emitting devices (loudspeakers or speakers) installed at the said Event. The officials of the Respondent GSPCB did not stop the said Event for the absence of noise limiters and this objection has been taken only after the conclusion of the said Event.

10. It is further mentioned in this appeal that as far as the Online Noise Monitoring System is concerned, the Appellant setup the display board but could not connect to the Online Noise Monitoring System as no procedural guidelines or setup details were provided to the Appellant by the Respondent including details pertaining to connection to the servers of the GSPCB and the necessary internet protocol networking details, in absence of which it was not possible for the Respondent to set up the Online Noise Monitoring System. Such details were also not available on the website of the GSPCB at that relevant point in time nor was any data available.

11. It is further mentioned in this appeal that the Noise Monitoring Log maintained by the GSPCB clearly exposes the fact that the noise generated at the said Event was not entirely attributable to the said Event but also due to other factors also. It is further mentioned that Section 11 of the Environment (Protection) Act, 1986 provides as under:-

"11. POWER TO TAKE SAMPLE AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH.-

1) The Central Government or any officer empowered by it on this behalf, shall have the power to take, for the purpose of analysis, samples of air, water, soil or other substance from any factory, premises or other place in such manner as may be prescribed.

2) The result of any analysis of a sample taken under sub-

section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.

3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall-

(a) serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(b) in the presence of the occupier or his agent or person, collect a sample for analysis;

(c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;

(d) send without delay, the container or the containers to the laboratory established or recognised by the Central Government under section 12.

4) When a sample is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub-section (3), then,--

(a) in a case where the occupier, his agent or person wilfully absents himself the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and

(b) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the samples, and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised under section 12 and such person shall inform the Government Analyst appointed or recognised under section 13 in writing, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers."

12. It is further mentioned in this appeal that Section 11 (2) clearly mandates that any sample taken under Section 11 (1) shall not be admissible in legal proceedings unless the same is compliant with Section 11 (3) and Section 11 (4). Section 11 (3) (a) of the Environment Act requires that "the person taking the sample serve the occupier or his agent or person in charge of the place, a notice of his intention to take the sample". In the present case, no such notice was issued to the Appellant or the person in charge at the venue of the said Event, whilst the samples for noise monitoring were obtained. Furthermore, the permission dated 26th December, 2022 cannot be treated as notice under Form - 1 of Rule 7 of the Environment (Protection) Rules, 1986 as the same does not meet the requirements of the notice prescribed under Rule 7 of the Environment Rules nor conforms to the standards of notice prescribed under Form- 1.

13. It is further mentioned in this appeal that Section 11 (3) (b) of the Environment Protection Act requires that the sample collected pursuant to the Notice under Section 11 (3) (a) of the Environment Protection Act read with Rule 7 of the Environment Rules should be collected in the presence of the occupier or the person in charge. Such an exercise was not carried out by the GSPCB whilst the samples were taken. As is clear from the permission granted by the GSPCB, the monitoring being carried out by GSPCB was to only notify exceedance of limits prescribed under the said Rules and there has been no notice of the exceedance of permissible limits by the GSPCB during the said Event.

14. It is further mentioned in this appeal that Section 11 (3) (c) requires that the sample taken should be signed and sealed by the person taking the sample along-with the occupier or person in charge. Such a procedure was not carried out in the case in hand. Section 11 (3) (d) clearly requires that the sample obtained should be, without delay, sent to a Government Lab established under Section 12 of the Environment (Protection) Act, 1986 for analysis by a Government Analyst appointed under Section 13, who is required to submit a Report under Section 14, which can be used as evidence in legal proceedings. A Report submitted under Section 14 must be based on samples taken under Section 11 and such samples taken have to be compliant with provisions of Section 11, more particularly, Section 11 (3) of the Environment Act. In the present case, the Inspection Report dated 02nd January, 2023 is based on samples taken in complete violation of Section 11 (3) of the Environment (Protection) Act, 1986 and therefore, the samples taken as well as the report based on such samples is completely inadmissible as evidence in legal proceedings including the present Petition, in terms of Section 11 (2) of the Environment (Protection) Act, 1986.

15. It is further mentioned in this appeal that it is not the case of GSPCB that the officials of the Respondent present at the Sunburn event willfully remained absent whilst the samples were being taken or that the officials of Respondent refused to sign the samples taken, as no notice, as required under Section 11 (4) (b), has been issued. This fact is clearly discernible from the Report dated 02nd January, 2023 issued by the GSPCB, as there is no mention of compliance with Section 11 (3) or willful absence under Section 11 (4) of the Environment (Protection) Act, 1986.

16. It is further mentioned in this appeal that the Appellant could have shut down all the music at the event for a short period and the background noises could have been monitored to compare whether the sound generated by the said Event was within permissible limits or not. It is further

mentioned that the Inspection Report dated 02nd January, 2023 clearly shows that samples were manually obtained and such samples were obtained in stark violation of Section 11 of the Environment (Protection) Act, 1986. Upon receipt of the noise monitoring logs, the Appellant filed a detailed reply dated 27th March, 2023 before the GSPCB raising therein all the objections raised herein. Hence, in view of the above submissions, the above prayer is made by the appellant.

17. Respondent- Goa State Pollution Control Board (GSPCB) has filed reply affidavit dated 20.10.2023, wherein it is submitted that the present appeal stands time barred. There is a PIL Writ Petition No.24/2018 in the matter of Sherwin Correia versus State of Goa and Others pending before the Hon'ble High Court of Bombay at Goa, in which the Hon'ble High Court is seized of the issues concerning the subject matter of Noise Pollution. The Hon'ble High Court is monitoring the issue and has been passing orders from time to time in respect of the noise pollution occurred during the event conducted by the appellant. The present appellant is one of the Respondents i.e. Respondent No.10 in the aforesaid PIL Writ Petition No.2824/2020(F).

18. Respondent- Goa State Pollution Control Board (GSPCB) has filed another reply affidavit dated 16.01.2024, wherein it is specifically submitted that the Hon'ble High Court of Bombay at Goa vide Judgment dated 15th December, 2023 in PIL Writ Petition No.15/2023 has extensively dealt with the subject of the conduct of the Sunburn Music festival by M/s. Spacebound Web Labs Pvt. Ltd., in December 2022. The Hon'ble High Court by the said judgment has allowed the petition that challenged the permissions issued to M/s. Spacebound Web Pvt. Ltd to conduct the said music festival and declared the permissions issued to the said company to be illegal and accordingly, quashed the same. The Hon'ble High Court has arrived at a definite finding that the noise level emitted during the conduct of the music festival by the appellant has exceeded the permissible limits.

18. Respondent- Goa State Pollution Control Board (GSPCB) has filed another reply affidavit dated 21.05.2024, wherein it is submitted that the Answering Respondent was in receipt of a letter dated 05.12.2022 from Spacebound Web Labs Private Limited- appellant herein, informing therein the Board that it was organizing music festival by the name of "Sunburn Festival" on 28th, 29th and 30th December, 2022 at Survey No.206/1, Anjuna (Vagator), Bardez, Goa. Thereafter, by Application dated 05/12/2022, the Appellant sought permission from the Board to conduct the said event.

19. It is further mentioned in this affidavit by the Respondent-GSPCB that the Answering Respondent was also in receipt of complaint/representation from one Rajesh Sinary dated 09.12.2022, seeking therein effective compliance of the orders of the Hon'ble High Court in respect of the upcoming Sunburn Music Festival. Thereafter, the Answering Respondent through its officials has conducted a site inspection of the venue of the event on 15.12.2022, in order to prepare a Report to be forwarded to the Department of Environment in terms of Noise Action Plan 2022.

20. It is further mentioned in this affidavit by the Respondent-GSPCB that the Answering Respondent was also in receipt of another complaint dated 26.12.2022 from one Shri Ravi Harmalkar, requesting therein the Board to ensure that the noise level at Sunburn Festival is kept

under control. In terms of the Inspection conducted by the officials of the Answering Respondent on 15.12.2022, the Answering Respondent vide letter addressed to the Collector and District Magistrate (North) informed that adequate measures for management for solid waste, sewage and air pollution would be needed to be carried out at the venue, at which Sunburn Music Festival was being organized from 28th to 30th December, 2022 at Anjuna Bardez-Goa.

21. It is further mentioned in this affidavit by the Respondent-GSPCB that thereafter, the Answering Respondent specifically informed the Collector that the appellant should comply with all the standards as prescribed under the Noise Pollution (Regulation and Control) Rules, 2000 and that it required to install the Noise limiters to regulate the noise levels within prescribed limits. It was also informed to the Collector that the appellant was required to install Online Noise Monitoring System and also provide display board along the periphery of the venue, so as to display the noise level recorded at the venue. Thereafter, the Answering Respondent informed the Collector that it would be conducting Noise Monitoring during the event and the same would be brought to the notice of the Collector for exceedance and that the Collector was required to take appropriate action thereafter.

22. It is further mentioned in this affidavit by the Respondent-GSPCB that thereafter, the Answering Respondent was in receipt of letter dated 27.12.2022 from the Superintendent of Police (North) informing therein the Respondent Board that in order to have smooth conduct of the Sunburn Music Festival from 28th to 30th December, 2022, the services of the Answering Respondent was essential at the venue. By the said letter, the Respondent Board was requested to depute its teams with required equipment to check the sound level by the organizers and for further action.

23. It is further mentioned in this affidavit by the Respondent-GSPCB that upon receipt of the aforesaid letter, the Answering Respondent issued letter dated 27.12.2022 to the Superintendent of Police (North) and the Police Inspector, Anjuna informing them that it would be carrying out Noise Monitoring on 28th to 30th December, 2022 at the Sunburn Music Festival at 4 different locations and that it was requested that 2 dedicated police personnel at each of the 4 locations be deputed throughout the period of monitoring on all 3 days. The contact details of the Officials of the Board present at the site for monitoring were also conveyed to the Police Authorities. This letter was emailed by the Board to the Superintendent of Police, North Goa at 3.42pm on 27.12.2022. Further, on the same very day, the Answering Respondent informed the Superintendent of Police, North Goa, Police Inspector, Anjuna Police Station and the District Collector, North Goa vide e-mail dated 27.12.2022 at 6.12 pm that the Board has deputed its staff to carry out noise level monitoring. The Board had further requested the Superintendent of Police, North Goa to provide security assistance to carry out the monitoring. However, no reply was received from the Superintendent of Police, North Goa or from any of the Authorities.

24. It is further mentioned in this affidavit by the Respondent-GSPCB that vide email dated 27.12.2022 received by the Respondent Board at 04.23 p.m., the Sub-Divisional Magistrate, Mapusa informed the undersigned that the Government had granted permission for Sunburn Festival of Goa from 27/12/2022 to 30/12/2022 at Survey No.206/1, Ozran, Vagator, Bardez-Goa and further requested to depute technical team of the Board to monitor noise pollution. The Answering

Respondent was in receipt of e-mail dated 28.12.2022 from the Deputy Collector and SDM (Mapusa), Bardez-Goa enclosing a copy of permission dated 28.12.2022 issued under Rule 5(1) of the Noise Rules for the use of loud speakers box type speakers/ public address system for "Sunburn Festival Goa" EDM music festival from 28/12/2022 to 30/12/2022 between 15.30 hrs. to 22.00 hrs.

25. It is further mentioned in this affidavit by the Respondent-GSPCB that prior to commencement of the music festival, the Respondent Board has had placed 4 numbers of Data Logging Sound Level Meters, type 1 accuracy (Precision Grade) at the site, at which the Sunburn Music Festival was being organized. These meters were installed at the site on 27.12.2022 and Ambient Noise Level Monitoring has been conducted through these meters on 27.12.2022 to 30.12.2022. The Respondent Board has also installed One Real Time Noise Monitoring Station at the aforesaid site. The data from this meter was directly accessible at the office of the Respondent Board.

26. It is further mentioned in this affidavit by the Respondent-GSPCB that on 28.12.2022 and 29.12.2022, the Appellant had not installed the Online Monitoring System, display Board and Noise limiters as required under the noise Action Plan. In the meantime, one of the Complainants- Mr. Rajesh Sinay filed Public Interest Litigation Writ Petition No.15/2023 before the Hon'ble High Court of Bombay at Goa, seeking issuance of a Writ of Mandamus to direct the Respondents in the said Petition to initiate action in terms of law for the imposition of penalties for violation of the provisions of the Environment (Protection) Act, 1986, the Air (Protection and Control of Pollution) Act, 1981 and the Noise Pollution (Regulation and Control) Rules, 2000 and Action Plan Notified in the Official Gazette, Government of Goa dated 05.01.2022 published on 13.01.2022. The Hon'ble High Court of Bombay at Goa, after considering the facts placed before it, passed interim Order dated 30.12.2022 issuing directions to the Board as well as to the Collector, the Deputy Superintendent and to the Anjuna Police Station. One of the directions issued by the Hon'ble High Court in the Order dated 30.12.2022 is as follows:-

"(c) As required by the sub-clause (f) of Clause 7 of the Action Plan, the Respondent No.10 has reportedly not installed at the concerned site/venue online noise level monitoring system nor provided display boards along the periphery of the venue, for the benefit of the public. The Pollution Control Board and the concerned PI/Deputy S.P. are hereby directed to ensure the enforcement of these provisions and see that the respondent No.10 provides a display board in terms of sub-clause (f) of clause 7 of the said Action Plan at the site, prior to the commencement of the event at 3.30 pm today and in the event of such noise online level monitoring system not being provided at the site, which equipment shall be directly connected to the server of the Pollution Control Board, they shall ensure that the event would not take place and the event venue would be shut down."

27. It is further mentioned in this affidavit by the Respondent-GSPCB that in terms of the directions issued by the Hon'ble High Court vide Order dated 30.12.2022, the Answering Respondent conducted visit at the site of the said event on 30.12.2022 through its officials and carried out Noise Level Monitoring at 4 locations through Data Logging Sound Level Meters, type accuracy (Precision Grade) and Real Time Noise Monitoring Station from 03.30 pm to 10.00 pm. The Officials of the

Answering Respondent have verified that the Appellant has installed Noise Level Monitoring System and provided display board. However, the unit had not connected the said Noise Level Monitoring System to the server.

28. It is further mentioned in this affidavit by the Respondent-GSPCB that the Hon'ble High Court of Bombay at Goa, after considering the Monitoring report and other material placed before it, concluded that there were serious violations committed by the Appellant. Vide Order dated 03.01.2023, the Hon'ble High Court observed that the breaches or violations repeatedly occurred on all 3 days of EDM, as per the GSPCB reports and also recorded the statement of the GSPCB that the GSPCB would be issuing the Show Cause Notice to the Appellant. Accordingly, the Show cause Notice was issued to the Appellant and after considering the reply filed by the appellant and the submissions made in its behalf, the Impugned Order came to be passed forfeiting the security deposit furnished by the appellant.

29. It is further mentioned in this affidavit by the Respondent-GSPCB that the ground taken by the appellant that there is violation of Section 11 of the Environment (Protection) Act, 1986, is also not tenable as the said issue has already been addressed by the Hon'ble High Court and passed its Order dated 15.12.2023 in PIL Writ Petition No.15/2023, as follows:-

"48. Mr. Sardessai referred to the provisions of Section 11(2) of the EPA 1986 to contend that the samples in this case were not taken in accordance with the provisions of this Section. The samples in this case were taken based on the sophisticated monitoring systems that were installed. The samples were taken at the venue in the presence of the representative of R-10. The reports have been produced on record. The reports inspire full confidence. The reports are based on readings recorded by sophisticated scientific instruments. Based upon some vague and hyper-technical pleas, there is no question of discrediting the reports which establish breach. All this is assuming that the provisions of Section 11 of the EPA 1986 apply to the situation at hand.

49. Mr. Sardessai submitted that the reports pertaining to 27/12/2022 (One day prior to the event) show that the noise levels were 63.8db (A). Based on this, Mr. Sardessai submitted that the noise levels, even before the event, were extremely high or even exceeded the permissible limits. Based on this, Mr. Sardessai contended that no conclusion could have been drawn about R-10 being responsible for noise levels exceeding the permissible limits during the festivals. Again, this contention cannot be accepted.

50. The Noise Pollution Rules speak about the ambient air quality in the area. Therefore, it would not be correct to interpret the reports in the manner suggested by Mr. Sardessai. Obviously, in any given area, there is bound to be some noise. Therefore, when permissions are granted, allowance is made for this exceeding noise while framing the rules or prescribing the standards. Therefore, if the sound generating instruments for the event, together with the exceeding noise levels in the

area, are to exceed the standards prescribed or the Noise Pollution Rules, there can be no defence that the exceeding noise levels must be deducted or must be discounted. In fact, all these factors are required to be considered by the Authorities before granting permission. In the present case, R-10 applied for permission only a day prior to the event. Such an application, surprisingly, was entertained by the authorities, and permission was granted without adverting to several relevant considerations. In any case, based upon the interpretation suggested, it cannot be said that R-10 did not breach the terms and conditions subject to which they were permitted or the Noise Pollution Rules."

30. We have heard the arguments of learned counsel for the parties and perused the entire records meticulously.

31. The question involved in the present appeal is whether to uphold the direction dated 06.04.2023 issued by the sole Respondent i.e. Goa State Pollution Control Board (GSPCB) forfeiting the Security Deposit amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) deposited by the appellant or should it be set aside?

32. The main emphasis laid by learned counsel for the appellant is upon the facts that the samples, which were collected by the Respondent- GSPCB to measure the noise levels emitted during the said event, were not taken in accordance with Section 11 of the Environment (Protection) Act, 1986. Therefore, it cannot be held that the appellant has violated the noise limits prescribed under the law.

33. In regard to the above submission of learned counsel for the appellant, we are not in agreement with his submissions because it is quite clear that the Hon'ble High Court has given clear findings, after thorough consideration of the matter, as has been stated by the Respondent- GSPCB in para no.25 of their affidavit dated 21.05.2024, that the appellant has breached the terms & conditions, subject to which they were given permission to organize the said event. Therefore, this Tribunal cannot sit in Judgment over the orders passed by the Hon'ble High Court, wherein a clear finding is already given in this regard against the appellant.

34. By our previous order, we had directed the appellant to place before us the terms & conditions, under which the security deposit amount was taken from the appellant by the Respondent- GSPCB stipulating therein as to under what circumstances, the said amount would be forfeited, in response to which learned counsel for the appellant has placed before us a letter dated 26.12.2022 issued to the appellant by the Respondent- GSPCB, which is annexed at page no.531 of the paper book, on the subject "Application for permission to conduct Sunburn Music Festival on the 28 th, 29th and 30th of December, 2022 at Anjuna, Goa". In the body of this letter, it is recorded "with reference to the subject cited above, you are required to submit security deposit of Rs.10 Lakhs (in the form of DD) and noise monitoring fees of Rs.25,000/- per station per day with four monitoring locations for three days event i.e. $Rs.25,000 \times 4 \times 3 = Rs.3,00,000/-$ and background of two monitoring locations i.e. $Rs.25,000 \times 2 = Rs.50,000/-$ (Total monitoring fees Rs.3,50,000/-). Your application will be processed only after submission of the above."

35. From a close scrutiny of the above letter, it appears that an amount of Rs.10 Lakhs was got deposited from the appellant by the Respondent- GSPCB by way of Security Deposit, so that in case of any kind of breach of law, the same could have been forfeited. Therefore, in the case in hand, it is quite evident from the order of Hon'ble High Court, which is mentioned above in the reply affidavit of Respondent-GSPCB, that the appellant was found to have exceeded the noise limits and therefore, their permission was also cancelled. In such a background, forfeiture of Security Deposit amount of Rs.10 Lakhs does not appear to be illegal order and, therefore, we uphold the impugned order passed by the Respondent- GSPCB, as it does not appear to suffer from infirmity and accordingly, the present appeal stands dismissed.

36. There shall be no order as to costs.

Dinesh Kumar Singh, JM Dr. Sujit Kumar Bajpayee, EM June 02, 2026 APPEAL NO.27 OF 2023 (WZ) P.Kr.