

ENVIRONMENT AND LAND USE APPEAL TRIBUNAL

Before:

Chairperson

ELAT : 113/12

Sitting of: 9/6/15, 2015

Appellant: Present

Counsel for Appellant:

Attorney for Appellant: Mr. Rogusally

Respondent: rep. by Mr. Veder

Counsel for Respondent:

Attorney for Respondent:

Co-Respondent:

Ruling.

The motion made by counsel for the Appellant is for an order from this Tribunal to prohibit the Co-Respondent from using electric motors in the Bakery and pastry shop. The Appellant has no objection that the Co-Respondent

operates in the premises for selling of pastries and foodstuffs (i.e. operating as victualler and general retailer of foodstuff and non food-stuff).

Counsel for the Respondent submitted that the issue of a permit in relation to the use of electric motors at the premises was wrong in law. The representative of the Respondent, Mr. Becker, deposed to the effect that the Permits and Business Monitoring Committee of the Municipal Council had not approved the issue of the BLP. However, the Minister of Local Government approved same. However, the Minister was not empowered at that time to give such approval, the Local Government Act having come into

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force in 2012. As such, the Council conceded that the issue of the permit in respect of the electric motors was wrong in law. In the light of this evidence adduced, and the submissions made, we find that the decision to extend the permit to the use of electric motors to prepare

Foodstuff cannot be supported.
The Co-respondent can only
operate within the parameters
of the Building and Land Use
permit originally issued to it,
namely for selling purposes.

The appeal in respect of the
use of electric motors is
otherwise allowed.

The Respondent is ordered to
take remedial action accordingly.

V. Bhadani

S. Karupudayan

Brijda Kaniak
