

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Misc. Application No. 84/2014

In

Original Application No. 19/2013 (CZ)

Kishore Kodwani & Ors. V/s District Collector, Indore & Ors

**CORUM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

PRESENT :

**Applicant : Shri Kishore Kodwani
Shri Dinesh Rawat**
Respondent No. 1, 2 & 5 : Shri Sachin K.Verma, Advocate
Respondent No. 3 : Shri S.K. Verma, Advocate
Respondent No.4 : Shri Shivendu Joshi, Advocate
for Shri Purushaindra Kaurav, Advocate
Respondent No. 7 : Shri Rajendra Giri, Advocate

Date and Remarks	Orders of the Tribunal
Item No.6 18th February, 2014	<p><u>Misc. Application No. 84/2014</u> The Learned Counsel for the Indore Development Authority (IDA) filed Misc. Application No. 84/2014 requesting for adjournment on the ground that the Counsel had to go out of station for urgent work. The IDA is an important party to this petition and therefore, participation of the IDA to this proceeding is vital. While the Counsel has not appeared neither any officer from the IDA is present and even no junior from the chamber of the Counsel for the IDA has been deputed to appear before the Tribunal. The Misc. Application has been sent through a Clerk of the Advocate and same is taken on record. The Tribunal expects minimum courtesy to be observed by the Members of the Bar as well as by the officials in this regard. The Applicant who is present, has strongly objected to the</p>

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grant of the adjournment. We find that the Applicant has been pursuing the matter diligently, and despite of his old age and personal inconvenience he makes it a point to travel all the way from Indore to Bhopal to attend the hearings along with his Counsel. In case the Counsel for IDA was busy and was to go out of station, minimum courtesy expected is to inform the Counsel for the Applicant accordingly so that the Applicant and his Counsel would not have taken trouble to come to Bhopal from Indore. We therefore while granting the adjournment, direct that the Respondent (IDA) shall pay cost of Rs. 5000/- to the Applicant on or before the next date of hearing.

We have in our previous order emphasised that the Ministry of Petroleum & Natural Gas, Govt. of India shall file their reply to the issues raised with regard to providing BS-IV standard vehicles for public transport in the city of Indore and also making available CNG fuel in the city of Indore. It has been pointed out by the Learned Counsel appearing for the Applicant that there is a vast difference between the pricing of the CNG fuel between the city of Indore and just 15 kms. away outside Indore city on the Dewas highway. It was submitted that while the CNG is made available by GAIL at the Sector -2, Industrial Area in Dewas @ Rs. 44.12 per kg, the same is made available by Awantika Gas Limited in the city of Indore @ Rs. 58 per

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Kg. The Ministry of Petroleum, Govt. of India as well as the Govt. of M.P. shall explain the factors relating to such vast difference in the pricing and what steps the Respondents intend to take to reduce the price of CNG in the city of Indore. It was submitted that despite the availability of CNG in the city of Indore vehicle owners who had initially preferred to purchase CNG vehicles, have now shifted their interest towards Diesel vehicles because of the less price of the Diesel than CNG. We are at loss to note that when Indore is being considered as critically polluted area as per CEPI Score, arrived at by the Central Pollution Control Board steps to reduce the pollution levels were envisaged from the year 2010 yet no effective steps are being taken in this regard, more particularly by the Ministry of Petroleum & Natural Gas, Govt. of India which was party to the decision regarding switching over to the BRTS system of public transport making available CNG and operating BS-IV standard compliant vehicles in the city of Indore.

What has to be understood in this light is the distinction between an industrial area which is not densely populated being considered as declared as critically polluted and a city with huge population like Indore being critically polluted area. The latter affects a huge population as opposed to remote areas which may be critically polluted due to various factors but are not densely populated. Govt. of

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MP, the Ministry of Petroleum and also the Pollution Control Board must therefore pay serious attention to the aforesaid issues and we would expect that the Ministry of Petroleum in its reply, which has not been filed so far despite several opportunities, shall taken into consideration the aforesaid facts while giving the reply. The Learned Counsel appearing for the Ministry of Petroleum & Natural Gas submitted that despite his letter to the Ministry informing them of our directions on filing a reply, they have not yet prepared the reply for filing before this Tribunal.

This matter has been pending before us for the past 10 months and the issues raised by the Applicant are of vital importance. Most of the issues pertaining to availability of CNG and BS-IV compliant vehicles need to be addressed by the Ministry of Petroleum & Natural Gas, Govt. of India which was a party in the high level meeting held and decision taken in this regard. We grant last opportunity to the Ministry of Petroleum & Natural Gas, Govt. of India, to submit their reply on the issues which have been raised by the Applicant and raised in our orders. The Learned Counsel for the Respondent is directed to forward our orders if already not forwarded to the Ministry for necessary compliance.

The Applicant who is present, has raised certain issues and challenged the statistics and the information that was filed earlier by

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the Respondents on planting and survival of trees in the city of Indore.

Copies of the documents filed by him have been supplied to the Learned Counsel, Shri Sachin K. Verma shall take necessary instruction in this regard.

We also direct Shri Sachin K. Verma, Learned Counsel to file before us a copy of the Master Plan for the city of Indore indicating therein the green belts which have been proposed for the city of Indore duly indicating the extent of area and no. of trees which are existing in such green belts including those which have been planted in the last 2 years based upon their present survival rate.

On the basis of the above, the Tribunal shall consider as to areas / blank spaces where further plantation work is required to be undertaken and also what steps need to be taken for the protection of the green belt areas as per the Master Plan for the protection of the environment in the city of Indore. We hereby direct that the following members of the committee constituted by the District Collector, Indore vide order dtd. 28.09.2013 namely the Divisional Forest Officer, Indore the Additional Municipal Commissioner, Indore and CEO, IDA shall remain personally present on the next date of hearing.

Put up on **25.03.2014**.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)