

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 263 of 2015
(M. A. No. 1287/2015 & M. A. No. 320 of 2016)**

Sanjay Kumar Vs. State of UP & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE R. S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant /Appellant : Mr. Dipesh Chaudhary, Mr. Vikas Gaur, advs.
Respondent No. 1 : Mr. Savitri Pandey, Adv.
Respondent No. 2 : Mr. Rajesh Raina, Adv.
Respondent No. 3 : Pradeep Misra, Mr. D. Dhyami, Suraj Singh, Adv.
Respondent No. 4 : Mr. Raj Kumar, Adv. with Niti Choudhary, (L.A.) CPCB
Dr. A.M. Singhvi, Sr. Adv., Mr. Vikas Singh, Ms. Ruby
Singh Ahuja, Mr. Utsav Trivedi, Mr. Vihsal Gehrana,
Mr. Eesha Mahapatra, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 01 April 22, 2016 N	<p>Heard. Perused Application, Commissioner's Report- dated 18.04.2016, drainage layout plan at annexure G to the objections to CPCB Report by Respondent No. 4 (Pg. 704). A controversy over the photographs at annexure-2 to M.A. 320 of 2016 prompted us to order the local investigation vide order dated 07.04.2016. The applicant's case is that the untreated effluents are being released by the Respondent No. 4 company on the land and to the pond situated on the back side of the factory area- UPSIIDC Wide Park Land. The Local Commissioner's report brings forth certain facts as regards the openings in the side wall particularly as regards the openings in the side wall particularly as regards the recently closed and plastered openings in the side wall and leakages at few spots. This calls for further investigation to arrive at the necessary conclusions for resolution of the present controversy.</p> <p style="text-align: center;">We, therefore, direct that the team of officials which</p>

conducted joint inspection on 19.10.2015, accompanied by Additional Director of CPCB shall visit the factory premises, collect soil samples from the 5 locations indicated at item A 1 to 5 in the Local Commissioner's report dated 18.04.2016 from inside as well as outside the perimeter wall where a storm water drain runs parallel and carries the pipeline for discharge of treated effluents and from the storm water drain along the central line. The team shall also collect soil samples away from ETP area inside the factory, particularly from green area. The team shall also collect effluent samples from inlets and outlets of 2 ETPs and 2 STPs referred to in the joint inspection report dated 19.10.2015. Samples, thus, collected shall be analysed and the analysis report shall be placed before Tribunal. The team shall also verify and ascertain whether there has been compliance of the general observations made in the joint inspection report dated 19.10.2015. The team shall mark the places from which the samples were collected on a copy of the plan at annexure G (Pg. 704). Copies of the plan at Annexure G as well as the Commissioner's report shall be furnished to the team for their quick reference. Local Commissioner shall remain present while collecting the samples in order to identify the places which have been referred to in his report at Para A 1 to 5. Sampling and testing shall be done in accordance with the law.

Advance notice of the visit to the factory premises shall be given by the team to the Local Commissioner. Factory shall operate to its optimum capacity during the course of the inspection.

		<p>List the matter on 20th May, 2016.</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,JM (R.S. Rathore)</p> <p>.....,EM (Dr. D. K. Agrawal)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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