

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

M.A. No. 415/2018

In

Original Application No. 21/2014

IN THE MATTER OF :

Vardhaman Kaushik Vs. Union of India

**CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, ACTING CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Present: Applicant: Mr. Sanjay Upadhyay with Ms. Upama Bhattacharjee, Adv.

Respondents:

Ms. Priyanka Sinha and Ms. Mohini Priya, Adv. for State of Jharkhand

Ms. Pinky Anand, Ld. ASG with Mr. Hemant Arya and Ms. Kritika Shukla, Adv. for Kiwi & Co. for NHAI

Mr. Balendu Shekhar, Adv., Mr. Sriansh Prakash and Mr. R.K. Maurya, Adv EDMC with Mr. Piar Singh, EE for East Delhi Municipal Corporation

Mr. Raj Kumar, Adv. with Ms. Niti Choudhary, LA, Central Pollution Control Board

Mr. Om Prakash, Adv. for M/o. Railway

Mr. Mukesh Verma Adv.

Mr. Edward Balho, and Mr. K. Luikang Michael and Ms. Hoineithiam, Adv. for State of Nagaland

Mr. G. Singh and Mr. Shoeab Alam, Adv. for State of Bihar

Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change

Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Sandeep Mishra, Adv. for GNCTD

Mr. R. Rakesh Sharma, Adv., Mr. V. Mowli, Adv. for State of Tamil Nadu and TNPCCB

Ms. Sakshi Popli, Adv. for NDMC

Ms. Yogmaya Agnihotri and Ms. Prity, Adv. for CECB

Mr. Debopriyo Pal and Ms. Asha Nayar Basu, Adv. for West Bengal Pollution Control Board

Ms. Aruna Mathur, Mr. Avneesh Arputham, Ms. Anuradha Arputham and Ms. Simran Jeet, Adv. for State of Sikkim

Dr. Sandeep Singh and Mr. Vinay Pal, Adv. for State of Uttar Pradesh

Ms. Priyanka Swami, Adv. with Mr. Aakash Singh, Adv. For Nagar Nigam Ghaziabad

Mr. Jogy Scaria and Mr. Beena Victor, Adv. on behalf of Kerala Pollution Control Board

Mr. Raja Chatterjee, Mr. Suna Bhuyan and Ms. Piyush Sachdev, Adv. for State of West Bengal

Mr. Vijay K. Sondhi, Ms. Cauveri Birbal and Mr. Sarvajeet Kumar Thakur, Adv.

Mr. Atul Jha, Adv. for State of Chhattisgarh

Mr. Jayesh Gaurav, Adv. for JSPCCB

Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Adv. for State of AP

Mr. Anchit Sharma, Mr. Satamita Ghosh and Mr. Dipankar Wadhwa, Adv. for DCB

Mr. V.K. Shukla, Ms. Vijay Laxmi, Adv. for State of M.P.

Mr. Ajay Marwah, Adv. and Mr. Mool Chand, Adv. for State of Himachal Pradesh

Mr. Rajiv Bansal, Sr. Adv., Mr. Kush Sharma and Mr. Prateek Gautam, Adv. and Ms. Khushboo Kumari

Mr. Devraj Ashok, Adv.

Mr. Shiv Mangal Shurma, Mr. Saurav Rajpal and Mr. Adhiraj Rajawat, Advs.
Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee
Ms. Nishe Rajen Shonkar, Ms. Anu K. Joy and Mr. Alim Anvar, Advs. for State of Kerala
Mr. Anil Grover, AAG Haryana along with Mr. Rahul Khurana and Mr. Mishal Vij, Advs. for State of Haryana and HSPCB
Mr. Anil Shrivastav, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Advs.
Mr. Shuvodeep Roy and Mr. Rituraj Biswas, Advs. for State of Tripura
Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Advs. for Tripura SPCB
Mr. Ardheudimouli Kr. Prasad & Mr. Shashank Saxena, Advs
Mr. Rudreshwar Singh, Adv. for BSPCB
Mr. Gautam Singh, Adv.
Ms. K. Enatoli Sema, For Nagaland Pollution Control Board
Mr. Leishangthem Roshamani, Adv. for the State of Manipur
Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs. for UPPCB
Mr. Shuvodeep Roy and Mr. Vinayak Gupta, Advs. for State of Assam
Mr. Ravindra Kumar with Mr. Achyut Saxena, Ads.

Date and Remarks	Orders of the Tribunal
<p> Item No. 10 April 17, 2018 ss </p>	<p> In pursuance to our order dated 22nd March, 2018 this case is listed today. We also notice the order passed on 04th April, 2018 in which referring to our order dated 22nd March, 2018, we had directed the Central Pollution Control Board and Delhi Pollution Control Committee to examine the ambient air quality in NCR and file a detail statement furnishing the data analysis and further recommendation by the department. The Central Pollution Control Board has filed report on 10th February, 2018 which on perusal we found is without proper data. Hence we had imposed a cost of Rs. 10 Lakh and listed it on 23rd April, 2018 to consider those aspects. </p> <p> Presently, before us the Miscellaneous Application No. 415 of 2018 is moved by the applicant seeking action against the respondents who are in default for action under the provisions of section 26 and 28 of National </p>

	<p>Item No. 10</p> <p>April 17, 2018</p> <p>ss</p>	<p>Green Tribunal Act, 2010. It needs no mention that the applicant has highlighted inaction on the part of authorities, to present instances of fire at the site in question.</p> <p>As we have presence of all the respondents represented by their Learned Counsel we had requested East Delhi Municipal Corporation to bring to the notice of the Tribunal steps taken by it in pursuance to the order dated 22nd March, 2018. It is regrettably noted except stating that the tenders have been floated no statement is forthcoming as to the actual effective steps taken to avert instances of fire in terms of our earlier directions. The learned counsel expresses inability for want of instruction from East Delhi Municipal Corporation. As the situation is serious, we expected serious approach by the Corporation which is lacking.</p> <p>Even the report was called from the NCT Delhi regarding investigation about causes resulting in fire instances has not been filed though it was stated it is due to mischief.</p> <p>Be that as it as far as National Highways Authority of India is concerned it is stated that they have already filed report and the East Delhi Municipal Corporation has also filed report.</p> <p>However as we cannot allow such non compliance again by indifferent attitude of the Authorities concerned and avoid perishing of the life of the people, factual information about the steps taken or being taken is essential.</p> <p>Hence, we direct the Commission, East Delhi</p>
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	<p>Item No. 10</p> <p>April 17, 2018</p> <p>ss</p>	<p>Municipal Corporation and the Commissioner of Police, NCT Delhi to be present before the Tribunal giving us the factual action taken report on the action taken in pursuance to our order dated 22nd March, 2018 apart from the detail report that we have asked for.</p> <p>List it on 23rd April, 2018, on the date of which the connected issues are coming up for consideration.</p> <p>Issue order dasti.</p> <p>.....,ACP (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal)</p> <p>17.04.2018</p>
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