

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

**M.A. No. 403 of 2014  
In  
Original Application No. 299 of 2013**

**Krishan Kant Singh & Anr.Vs. National Ganga River Basin Authority & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

**Present:**

<b>Applicant:</b>	<b>Mr. Rahul Choudhary, Advocate</b>
<b>Respondent No. 1&amp;2:</b>	<b>Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates</b>
<b>Respondent No. 3:</b>	<b>Mr. Rajkumar, Advocate with Mr. S.L. Gundli, Law Officer</b>
<b>Respondent No. 4:</b>	<b>Mr. B.V. Niren, Advocate</b>
<b>Respondent No. 5:</b>	<b>Mr. Manish Tiwari, Advocate.</b>
<b>Respondent No. 6:</b>	<b>Mr. Pradeep Misra, Advocate and Mr. Daleep Kr. Dhyani, Advocate.</b>
<b>Respondent No. 8:</b>	<b>Mr. Arvin Kumar Shukla, Mr. Amit Shukla, Ms. Sweta Rani, Mr. Nihal Ahmad and Mr. Mayank Alok Shukla, Advocate Ms. Antima Bazaz, Adv. for AIDA Mr. Manoj Singh, Adv. Mr. Vikas Singh, Sr. Adv, Mr. Bharat Sangal, Ms I, Abena Aier and Ms. Srijana Lama, Advs. Mr. Karan Luthra for Rosa Power Supply Ltd. Mr. Balendu Shekhar, Adv. for Lal Emli Kanpur Mr. Pinaki Misra, Sr. Adv., Mr. Arjun Mahajn, Mr. Vikas Malhotra and Mr. Pawan Upadhyay, Advs. Mr. Ankur Khandelwal, Adv. for Noticees</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 9 August 4, 2014</b>	<p><b><u>M.A. No. 403 of 2014</u></b></p> <p>After hearing the Learned counsel appearing for the parties, we direct Ministry of Railways to be present before the Tribunal on the next date of hearing.</p> <p>List this matter for further directions on 11<sup>th</sup> August, 2014.</p> <p>One of the submissions made on behalf of the Applicant is that the condition with regard to the installation of incinerator could be varied as it may not be economically viable and is likely to take considerable time.</p> <p>On the other hand, Learned counsel appearing for the UP Pollution Control Board and Central Pollution Control</p>

Board submits that bio composting is not feasible in the case of the Project Proponent as it is causing serious environmental hazard arising to low lying land. According to them incinerators need to be installed without any delay and alternative was also suggested that the spentwash may be sent to the cement factory and incinerator is not installed.

According to the Project Proponent it is not workable and they have already made due enquiries in this behalf. Cement plant is located 1000 Km away from the Project Proponent premises and the said plant has refused to accept the spentwash from the Project Proponent. Even otherwise carriage and collection of spentwash is so high besides being economically not viable. It will effect the environment as nearly 1000 trucks per month would have to be operated by the Project Proponent in the cement factory. Another aspect that has been advanced before us on behalf of the Project Proponent is that MoEF itself in the recent past has granted consent to various industries where condition of installation of incinerators has not been imposed and alternative anti pollution devices i.e. bio-composting has been permitted. We certainly see no reason that MoEF should take such an approach unless it was inadequate in the peculiar facts and circumstances of the case.

Learned counsel appearing for MoEF prays for time to seek instructions. Let him take instructions in this behalf.

Learned counsel appearing for State of Uttar Prades shall in the meanwhile direct the Irrigation Department to

coordinate with the Project Proponent who shall bear the entire expenses and ensure that Phuldera drain is cleaned and work starts forthwith.

Let Notice be also issued to the Ministry of Railway so that the work with regard to making of drain under the Railway Track can commence without further delay.

List this case on 11<sup>th</sup> August, 2014

.....,CP  
(Swatanter Kumar)

.....,JM  
(M.S. Nambiar)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Dr. R.C. Trivedi)

