

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

**Appeal No. 55/2016  
(M. A. No. 1219/2016)**

**M/s. Pyrocast India Private Limited  
Vs.  
Haryana State Pollution Control Board**

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Appellant : Mr. Prashant Shukla, Ms. Anushree Mishra and  
HSPCB : Mr. Kush Agrawal, Advs.  
: Mr. Rahul Khurana, Mr. Sandeep Yadav, Mr.  
Saurabh Sachdeva, Adv**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 01</b> <b>December 14, 2016</b> JG	<p>Heard. Perused record.</p> <p>Affidavit of service dated 09-12-2016 reveals that the service of notice on the sole respondent is complete. Learned Counsel appearing for the respondent seeks time to file reply.</p> <p>Learned Counsel appearing on behalf of the appellant submits that before granting time to file reply their plea for staying closure order be considered.</p> <p>Learned Counsel appearing on behalf of the appellant invited attention to the show cause notice dated 29-09-2016-annexure A-5 issued by the respondent-Board which records the short-comings noticed by the Board in following terms:</p> <ol style="list-style-type: none"><li>1. Not filled detail under Air emission head in the application form.</li><li>2. Not complied with conditions of CTE granted.</li><li>3. Neither submitted detail of APCM nor submitted feasibility report of APCM.</li><li>4. The unit has not submitted the noise monitoring</li></ol>

**Item No.  
01**

**December  
14, 2016**  
JG

report of DG sets.

5. Not submitted undertaking for no change in manufacturing process and no change in constitution of the company.

He submits that the short-comings as noticed by the Board are incorrect in as much as the activity involved in forging Copper, Steel, Aluminium and Brass in their factory has zero emission on account of the process being carried out in a electric furnace, and the forging involves only electrical heating and nothing else.

The appellant submits that the show-cause notice was duly replied with the reply dated 04-10-2016-annexure A-6.

We have perused the reply dated 04-10-2016-Annexure A-6 and have noticed that particulars of process involving physical and chemical changes that take place on account of the forging are not mentioned in the show-cause notice.

At this stage, our attention is drawn to the fact that the industrial unit of the applicant did not have consent to operate as the consent to operate was refused on 12-03-2016 annexureA-5.

In view of this disclosure it is necessary for the industry to obtain a valid consent to operate before it can lay any claim to operate the industrial unit.

Learned Counsel appearing on behalf of the appellant submits that he will be making an appropriate application for consent to operate with the Board and will pursue the application in accordance with law.

We, therefore dismiss this application inlimine

	<p><b>Item No. 01</b></p> <p><b>December 14, 2016</b> JG</p>	<p>with liberty to the appellant to move appropriate application for consent to operate in accordance with law within two weeks from today.</p> <p>The Original Application No.55/2016 stands disposed of accordingly.</p> <p><b>M. A. No. 1219/2016</b></p> <p>This application does not survive for consideration as the main application itself stands disposed of.</p> <p>.....,JM (U. D. Salvi)</p> <p>.....,EM (Ranjan Chatterjee)</p>
--	--	--

