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

## Suo Moto Application No. 290 of 2017

## **IN THE MATTEROF:**

Court on its own Motion Vs. NCT, Delhi & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

**Present: Applicant** 

Sanjay Upadhyay, Respondent Mr. Mr. Eshan

Chaturvedi and Mr. Salik Shafique

Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, CPCB

Mr. I.K. Kapila, Adv.

Date and Remarks	Orders of the Tribunal
Suo-Moto	It is widely reported by the print media that because
May 08, 2017	of leak of Chemical gas from the tanker at Tughlakabad,
ss	Delhi, nearly 480 school going children had to be
11	hospitalized and emergent operation carried out for
MIZ	preventing further environmental degradation and
VA	consequently adverse impact on human health.
W Q	The Learned counsel Mr. Sanjay Kumar Upadhyay
1 5	appearing in Original Application No. 568 of 2016 also
200	submits that there is already an application pending
	before the Tribunal in the said Original Application where
	the prayer has been made for shifting of heavy
	vehicles/container depot primarily consisting of
	containers which carry all kind of material including gas
	and hazardous chemical and even other material or waste.
	He also mentions that the matter be immediately taken up
	and appropriate directions be passed. Beside, taking Suo-
	Moto action, we also direct that Original Application No.
	568 of 2016 should also be taken up on hearing
	immediately.
	Notice be issued to Container Corporation of India;

Suo-Moto May 08, 2017 ss NCT, Delhi; Delhi Development Authority; Delhi Pollution Control Committee; Railway Board and Ministry of Environment, Forest and Climate Change. The Learned Counsel appearing for all the respondents except Container Corporation of India accept Notice, waive service. Let them file reply to the show cause within one week from today with advance copy to the Learned Counsel Mr. I.K. Kapila, Adv. whom we also appoint as Amicus Curie in the Suo-Moto Action by the Tribunal.

Apparently it also seems to be violation of the directions of the Tribunal, where it has been directed that the non-destined vehicles would not have entered Delhi including Containers.

Therefore, we require these authorities to file response to this show cause notice within one week from today. It will be stated as to whether this vehicle was destined for Delhi or was for distant destined tanker, whose chemical - gas was being carried on by the tanker, who is owner of the tanker and what precautionary steps were taken to ensure this hazardous gas which primarily being used for pesticides and highly pollutant product avoid any adverse impact manufacturing environment and/or public health. Authorities shall also whether inform any on-site or off-site disaster management plan has been prepared. It will be stated that what gas and chemical was carrying at the time of incident. It shall also be informed who had imported this chemical and for what purpose.

In the meanwhile, the vehicle would stand attached and would not be permitted to lead Delhi and shall be

Suo-Moto May 08, 2017

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under the custody in terms of Order 21 Rule 52-Code of Civil Procedure, 1908 and read with Order 40 Rule 1-Code of Civil Procedure, 1908 and read with Section 19(4) of National Green Tribunal Act, 2010. The vehicle should remain under attachment even if it has left Delhi. should not be permitted to unload gas without specific order of the Tribunal. We also issue show cause to all the Authorities concerned why should not be prohibition on entering of any tanker and even other trailer from entering and parking themselves at Tughlakabad, Delhi. We also issue show cause Notice to the Corporation as well as owner of the tanker and importer of the chemical through Corporation why they should not be directed to pay environmental compensation in terms of Section 15 and 17 of the National Green Tribunal Act, 2010 and read with Section 17(3) of the Act. Notice also be issued to the importing firm and logistic firm.

The Notice shall also be issued to all concerned without process fee and today itself.

In the meanwhile the Central Pollution Control
Board and Delhi Pollution Control Committee shall submit
a Status Report to the Tribunal in regard to the entire
incident by conducting a joint inspection.

We further direct that they would be at liberty to inspect the vehicles even if they would have left Delhi as to its point of destination. The joint inspection team would be provided all assistance including police protection for carrying on the directions contained in this order.

The Amicus Curie Mr. I.K. Kapila, Adv. shall also file a Status Report within one week from today.

	List this matter on 15th May, 2017.
Suo-Moto	
May 08, 2017	,CP (Swatanter Kumar)
ss	,EM
	(Bikram Singh Sajwan)
	,EM (Dr. Ajay A Deshpande)

