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

Original Application No. 100 of 2014 (M.A. No. 302 of 2014, 989 of 2015, 136 of 2016, 380 of 2016, 561 of 2017 and 562 of 2017)

## IN THE MATTER:

Dr. A. Kishan Rao & Ors. Vs. Union of India & Ors.

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

Present: Applicant: Applicant in 989/15 Respondent No. 1 : Respondent No. 3 : Ms. Katyayani and Ms. Mehak Rastogi, Adv. Ms. D. Bharathi Reddy, Adv. Mr. Krishna Kumar Singh, Adv. for MoEF Mr. B.V. Niren, Adv. for CGWA. Mr. Nikhil Nayyar, Adv. Mr. Raj Kumar, Adv., Central Pollution Control Board Mr.Pinaki Misra, Sr.adv. alongwithMrs. D.Bharathi Reddy Adv. and Ms.Vidyottma,Adv. Mr. P.Venkat Reddy, Adv. alongwith Mr. Prashant Kr. Tyagi Adv. for State of Telangana.

Mr. Pinaki Misra, Sr.adv. alongwithMrs. D.Bharathi Reddy Adv. and Ms.Vidyottma,Adv. Mr. P.Venkat Reddy, Adv. alongwith Mr. Prashant Kr. Tyagi Adv. for State of Telangana.	
Date an Remark	
Item N 14	
June 1 2017	
Sn	circumstances explained, the Application is allowed. The
	Applicant is permitted to participate in these proceedings as
11	an intervener.
	Thus, M.A. No. 561 of 2017 stands disposed of
	accordingly.
	M.A. No. 562 of 2017
	The Applicant is seeking clarification of the order
	passed by this Tribunal, by which grant of consent by the
	Board is subject to certain conditions.
	The Learned Counsel appearing for the Pollution
	Control Board submits that even the Pollution Control
	Board has a doubt as to whether if the industry to which
	consent was granted remains shut down for long period and
	then, seeks renewal of consent should it be considered as
	newly established industry or could be considered as an

Item No. existing industry to which consent was granted.

June 12, 2017

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In other words, if the industry is shut down for certain reasons and applies to the Board for grant of permission to restart, should such industry be considered as new unit or an existing unit.

The Applicant has also raised similar plea contending, it is an industry which was already running by virtue of the consent granted, but due to certain contingencies become sick and was shut down. Presently, the management has changed and new management has taken over. Therefore, it should be treated as an existing industry to which consent was granted and as it is compliant having removed all deficiencies, the Board may be directed to grant consent for it to operate.

We have heard both sides and feel it will be appropriate to direct the State Pollution Control Board to conduct inspection of the unit and file a Report as to whether the industry is compliant and has removed deficiencies. Also the Board would ascertain the actual pollution load from industry as it was in the initial stage before it was closed and what is the present pollution load of the industry and what adverse effect it may have.

Further the capacity of CEPT must also be ascertained. Report in that regard shall be filed before the next date of hearing.

List this matter on 15<sup>th</sup> June, 2017.

.....,JM (Dr. Jawad Rahim)

....,EM (Dr. Ajay A Deshpande)