

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

**Original Application No. 24 of 2011
(Civil Appeal No. 10312/2016)**

And

Execution Application No. 34/2016

In

Original Application No. 24 of 2011

And

**Original Application No. 84 of 2017
(Earlier O.A. No. 24 of 2011)**

And

**Original Application No. 64 of 2017
(Earlier O.A. No. 279 of 2016)**

IN THE MATTER OF:

Samir Mehta Vs. Union of India & Ors.

And

Samir Mehta Vs. Union of India & Ors.

And

Samir Mehta Vs. Union of India & Ors.

And

Kumar Gaurav Vs. Laureate Buildwell Pvt. Ltd. & 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**

Present:

Applicant:	Mr. Rahul Choudhary, Ms. Meera Gopal and Mr. Saurabh Sharma, Advs.
Respondent No. 1 :	Ms. Panchjanya Batra Singh, adv. for MoEF & CC Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Raj Pal and Mr. Adhiraj Singh, Adv. Mr. A.K. Prasad, and Mr. Jaydip Pati, Advs. Mr. Priyank Mangal, Adv. Mr. Anil Grover, AAG Haryana with Mr. Rahul Khurana and Mr. Sandeep Yadav, Advs. for Haryana State Pollution Control Board Mr. Anil Srivastava, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Advs. Mr. Rajkumar, Adv. and Ms. Niti Choudhary, LA Mr. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs. for State of Sikkim Mr. G.M.Kawoosa, Adv. for J&K Pollution Control Board Mr. Sanjeev Ralli and Mr. Prabhav Ralli, Advs. with Mr. Dinesh Jindal, LO for DPCC Mr. B.V. Niren, Adv. Mr. Rajul Shrivastav, Advs. Mr. Sapam Biswajit Metei, Adv. for State of Manipur Mr. K. Enatoli Sema and Ms. Nidhi Bhuwania, Advs. for Nagaland Pollution Control Board Mr. Jogy Scaria, Adv. for Kerala State PCB Mr. Tayenjam Momo Singh, Adv. Mr. Rahul Pratap, Adv. for MoEF Mr. Gopal Singh and Ms. Varsha Poddar, Advs. for State of Tripura & TSPCB Mr. Sarthak Chaturvedi and Mr. Shubham Jaiswal, Advs. Mr. Pragyan Pradip Sharma and Ms. Anandini Kumari, Advs. Mr. A.K. Panda and Mr. M. Paikaray, Advs. Mr. R. Rakesh Sharma, Adv. Mr. Amit Agarwal and Ms. Asha N. Basu, Advs. Mr. Jayesh Gaurav, Adv. Mr. Ravindra Kumar, Adv.

Mr. Pradeep Mishra and Mr. Daleep Kr. Dhyani, Advs.

Mr. Balendu Shekhar, Adv. and Mr. Dinesh Jindal, Law Officer, Delhi Pollution Control Committee

Mr. Mukesh Verma, Advs., Mr. Bikash Kumar Sinha, Adv.

Ms. D. Bharathi Reddy, Adv. for State of Uttarakhand

Mr. Nikhil Nayyar and Mr. N. Sai Vinod, Advs. for APPCB and Telangana Pollution Control Board

	Date and Remarks	Orders of the Tribunal
	Item No. 04 to 07 February 03, 2017 <small>sn</small>	<p>We have heard the Learned Counsel appearing for various parties and the Boards. In furtherance to the directions of the Tribunal, majority of the State Boards have filed their Affidavits, however, some of them have not filed. We see no reason at to why the Boards should not have complied with the directions issued by the Tribunal. We grant them one week time by way of final opportunity.</p> <p>The State Boards who have filed their Affidavits and have received directly or indirectly the environmental compensation or other penalty under the orders of the Tribunal should pay 25% of the amount so received to the Central Pollution Control Board within two weeks from today. The Central Pollution Control Board shall maintain a separate head of account for the amounts received by it from the State Pollution Control Boards or the Pollution Control Committees and would also pay in that account 25% of the amount received by it under the Orders of the Tribunal from the various industries, bodies etc.</p> <p>The amount so collected shall be spent under the directions of the Tribunal for meeting the expenses of the honorarium and other expenses incurred by the Member of various Committees, Chairman, and other members constituted under the order of the Tribunal for implementation of the directions for preparation of any</p>

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03, 2017**
sn

scheme, project etc. The amount will be spend under the directions of the Tribunal.

We may notice here that despite specific directions under the respective judgment, none of the State Pollution Control Boards or Pollution Control Committees have yet filed any plan to show as to how they propose to spend the amount which they have received under the orders of the Tribunal on account of environmental compensation, penalty or any other charges, the purpose thereof and what is required to be achieved by such expenditure. By way of last opportunity, we grant two weeks time to each of the State Boards to file their respective plans, the field of environment upon which they plan to spend such amount. The mechanism that will be followed and the resultant benefit thereof. Needless to notice that all the State Boards should set their priorities for incurring such expenditure keeping in view the environmental protection of the State.

Let this direction be positively complied with and in the event of default, we make it clear that the Chairman and the Member Secretary of the Board shall be liable to pay cost personally that would be imposed by the Tribunal.

Let the Registry inform this order to all the Chairmen and Member Secretaries of the respective Boards and Pollution Control Committees.

Let these matters be listed on 07th February, 2017 the date already fixed and for compliance of this order matter be listed on 08th March, 2017.

.....,CP
(Swatanter Kumar)

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