

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

**Original Application No. 28 of 2016
(M.A. No. 45 of 2016)**

Mohd. Arif 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 MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present:

Applicant:	Mr. S.S. Lingwal, Adv.
Respondent No. 1:	Mr. Attin Shankar Rastogi, Adv.
Respondent No.2:	Mr. Pradeep Misra and Mr. Daleep Dhayani, Adv.
Respondent No.3:	Mr. Narenderpal Singh, Adv. and Mr. Dinesh Jindal, LO
Respondent No. 4:	Mr. Tarunvir Singh Khekar and Ms. Guneet Khehar, Ms. Japnam Bindra, Adv.
Respondent No. 5:	Mr. Balendu Shekhar and Mr. Vivek Jaiswal, Adv.
Respondent No. 6:	Mr. Bhupendra Kumar, LA Mr. Rajkumar, Adv.
Respondent Nos. 7:	Ms. Savitri Pandey, Adv. For UP and Mr. Abhishek Yadav, Adv.
MoEF	Mr. Farah Ahmad, Adv. Ms. Deep Shikha Bharti, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 06 September 06, 2016 jg	<p>We have heard the Learned Counsels appearing for the parties and perused the record of this application. The prayer in the main applications is as follows:</p> <ol style="list-style-type: none">1. Direct the Respondents to close the unauthorized polluting units which are engaged in the business of smelting of Copper wire, Aluminum wire, melting of batteries, plastic rubber and Iron furnace which are emitting toxic gases that is dangerous to the human life in the vicinity of Mandoli (East Delhi) and Amit Vihar, Loni, Ghaziabad, Uttar Pradesh.2. To impose cost on those who pollute in accordance with the Polluter Pays Principal as held by this Hon'ble Tribunal in the case of " Manoj Mishra Vs. UOI & Ors"(O. A. No. 06 of 2012).3. Pass any such other order and/or directions which

this Hon'ble Tribunal may deem fit & proper in the facts & circumstances of the case, in the interest of justice.

Learned Counsel appearing for the State of U. P. submits that the State Government had already issued a circular dated 10-09-2003 clearly giving directions that the industries, particularly the polluting industries, should not be permitted to carry out their business in the non-conformity zone i.e. residential areas. In furtherance to the said circular nearly 148 industries have been shut or demolished from the non-conformity areas. He further states that the Government would take all steps within a time bound manner and would ensure that no polluting or other industries are permitted to operate in the non-conformity zone i.e. green or the residential areas.

Learned Counsel appearing on behalf of the East Delhi Municipal Corporation submits that the prayer in the present application is squarely covered by the Judgment of the Tribunal dated 23-08-2016 passed in O. A. No. 510 of 2015: Kamal Kishore Vs. UOI.

He further submits that the Corporation would take all effective steps, in accordance with the Judgment and ensure that no industry polluting or otherwise is permitted to operate in the non-conformity areas i.e. green or the residential areas.

It is also stated that when the Corporation passes an order for the same purpose and requires the electricity and water supply to the said unit be disconnected, the DJB and BSES do not act thereto.

Learned Counsel appearing on behalf of the applicant also submits that these industries are running on generator without permission of the DPCC and there is air pollution also resulting from the indiscriminate use of generators. It is necessary that further directions on that behalf should be issued. In fact actions against 148 industrial units have been taken only after the judgment of High Court and thereafter again for years, no action has been taken.

Let the State of U. P. now take action regularly against the industries located in the non-conformity areas. They shall file quarterly report before the Tribunal for compliance and furtherance to its circular; the judgment of the High Court and the directions issued by the Tribunal under its judgment.

The EDMC shall take appropriate action against the industries and whenever it makes a request to DJB and Electric Companies-BSES, they would take action against in furtherance thereof and dis-connect the electricity and water supply of these units. This action would also be taken by the DPCC which is a competent Authority to issue directions in terms of Section 5 of Environment (Protection) Act, 1986 and it can even pass specific directions with regards to dis-connection of electricity and water supply of these units.

With the above directions the Original Application No. 28/2016 stands disposed of with no order as to costs.

M. A. No. 45 of 2016

This application does not survive for consideration

		<p>as the main application itself stands disposed of with no order as to costs.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (B.S. Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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