

**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. 571 of 2016
(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.
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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. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant: Mr. Raj Panjwani, Sr. Adv., and Mr. Rahul Choudhary, Adv.
Mr. Gautam Singh and Mr. Rudreshwar Singh, Adv. for Bihar SPCB
Mr. Abhimanyu Garg and Ms. Preety Makkar, Adv. for UT of Puducherry
Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal, Mr. Adhiraj Singh and Ms. Shikha Sandhu, Adv. for RSPCB
Mr. A.K. Prasad and Mr. Jaydip Pati, Adv. for Coast Guard of India
Mr. Rajul Shrivastav, Adv. for MPPCB
Mr. Anil Grover, AAG Haryana with Mr. Rahul Khurana, Adv. for Haryana State Pollution Control Board
Mr. Dhruv Pal, Adv.
Mr. Anil Srivastava, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Adv. for State of Arunachal Pradesh
Mr. Rajkumar, Adv. and Mr. Bhupneder, LA, CPCB
Ms. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Adv. for State of Sikkim
Mr. Vipin Nair, Mr. P.B. Suresh and Mr. Abhay Pratap Singh, Adv.
Mr. Gopal Singh, Mr. Rituraj Biswas and Mr. Kumar Milind, Adv.
Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for R-2 & 3
Mr. Jogy Scaria, Adv. for Kerala State PCB
Mr. Rahul Pratap, Adv. for MoEF
Mr. Shubham Bhalla, Adv. for Chandigarh Administration
Mr. Sanjeev Ralli, Adv. with Mr. Dinesh Jindal, LO
Mr. Sarthak Chaturvedi and Mr. Shubham Jaiswal, Adv. for Andaman & Nicobar Island
Mr. Avijit Roy, Adv. for Assam Pollution Control Board
Ms. Yogmaya Agnihotri, Adv. for CECB
Mr. A.K. Panda, Mr. M. Paikaray Adv. Odisha PCB
Mr. R. Rakesh Sharma, Adv. for State of TN & TNPCB**

Mr. Nishe Rajen Shonker, Adv. for State of Kerala
Mr. Amit Agarwal, Adv. and Ms. Asha N. Basu, Adv.,
for West Bengal Pollution Control Board
Ms. K. Enatoli Sema, Adv. and Mr. Amit Kumar
Singh, Adv. for Nagaland PCB
Mr. Ravindra Kumar, Adv.
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Pradeep Mishra and Mr. Daleep Kr. Dhyani, Adv.
for UPPCB
Mr. Tayenjam Momo Singh, Adv. for Meghalaya PCB
Mr. Balendu Shekhar, Adv. with Mr. Dinesh Jindal,
LO for DPCC
Mr. Mukesh Verma, Adv., Mr. Bikash Kumar Sinha,
Adv.
Mrs. D. Bharathi Reddy, Adv. for State of
Uttarakhand
Mr. G.M. Kawoosa, Adv. for J& K Pollution Control
Board'
Mr. Balendu Shekhar, Adv. for EDMC
Mr. Dattaprasad Lawande, AG Goa, Mr. S.S. Rebello,
AGA, Mr. Amir Jamadar, AGA and Mr. Aurobindo
Games Pereira, AGA, Goa

Date and Remarks	Orders of the Tribunal
<p> Item No. 01 to 05 May 23, 2017 ss </p>	<p>At the oral request of the Learned Counsel appearing for the Applicant as well as some of the respondents, all the Corporations of Delhi are directed to be impleaded as party to this case. The Learned Counsel appearing for these Corporations accept Notice, waive service.</p> <p>The Learned Counsel appearing for Central Pollution Control Board submits that the Board has received nearly 35 Crores till April, 2017 in furtherance to the various orders passed by the Tribunal. He further states that circular had already been issued requesting the members of the various Committees appointed by the Tribunal or constituted by the Ministry to submit their bills w.e.f. 01st January, 2017 to receive the charges that have been fixed by the Tribunal as well as the expenses they might have incurred for attending meetings and conducting inspection etc.</p> <p>Let the Ministry of Environment, Forest and Climate Change, Ministry of Water Resources and all the Corporations ensure that the bills for payment of dues of</p>

	<p>Item No. 01 to 05</p> <p>May 23, 2017</p> <p>ss</p>	<p>respective Chairmen/Members of the Committees are submitted to Central Pollution Control Board immediately which should then be paid by Central Pollution Control Board without any delay.</p> <p>Further, we direct that the Central Pollution Control Board and the various State Boards in consultation with the Municipal Corporations and the Local Authorities to identify the villages near the industrial clusters or even otherwise, where in pursuit of corporate social responsibility, the industries paying environmental compensation are directed to construct toilets which are in villages nearby and locality specific. We also direct the South Delhi Municipal Corporation, East Delhi Municipal Corporation and North Delhi Municipal Corporation to submit list of the unauthorized colonies where there is shortage of toilets and people are indulging in open defecation. They will identify places particularly adjacent to railway tracks and flood plains of river Yamuna where such toilets can be provided to ensure that there is no open defecation in these areas.</p> <p>The Central Pollution Control Board along with the local authorities and industries/industrial clusters who are liable to pay environmental compensation shall construct or provide such toilets in the specified colonies. Such toilets will be maintained by the respective local Corporations. The Tribunal would consider, request of the industry to perform this duty in discharging their corporate social responsibility rather than just depositing money with the Central Pollution Control Board and the State Pollution Control Boards.</p> <p>All the State Boards are directed to submit their</p>
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	<p>Item No. 01 to 05</p> <p>May 23, 2017</p> <p>ss</p>	<p>plan for spending the remaining 75% of money, that the Boards have received under the orders of the Tribunal, with regard to environment protection and taking of such measures which will prevent and control pollution on the precautionary principle.</p> <p>The Tribunal has passed decree on 23rd August, 2016 in the Original Application No. 24 of 2011 titled as Samir Mehta Vs. UOI & Ors. for a sum of Rs. 100 Crores in favour of Govt. of India which has not been executed so far.</p> <p>The Learned Counsel appearing for the respondents submit that they are examining as to how decree can be executed against the foreign companies and they pray for further time. Let some positive steps be taken for execution of the decree.</p> <p>List this matter on 14th July, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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