

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

**M.A. No. 879 of 2013
In
Original Application No. 299 of 2013**

Krishan Kant Singh & Anr.Vs. National Ganga River Basin Authority & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present:

Applicant:	Mr. Rahul Choudhary, Advocate
Respondent No. 1&2:	Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates
Respondent No. 3:	Mr. Rajkumar, Advocate with Mr. S.L. Gundli, Law Officer
Respondent No. 4:	Mr. B.V. Niren, Advocate
Respondent No. 5:	Ms. Savitri Pandey, Advocate.
Respondent No. 6:	Mr. Pradeep Misra, Advocate and Mr. Daleep Kr. Dhyani, Advocate.
Respondent No. 7:	Mr. Pinaki Mishra, Senior Advocate, Mr. Arjun Mahajan, and Mr. Vikas Malhotra Advocates.
Respondent No. 8:	Mr. Arvin Kumar Shukla, Mr. Amit Shukla, Ms. Sweta Rani, Mr. Nihal Ahmad and Mr. Mayank Alok Shukla, Advocate Mr. S.A Zaidi and M.Z. Chowdhry for Lelthe Industries from Kanpur Ms. Vanita Bhargava, Mr. Ajay Bhargava and Mr. Ankur Khandelwal for United Spirits Ltd., Radico Khaltan Ltd., India Glycol Ltd., Shakumbari Sugar & Allied Industries Ltd. Mr. Bharat Sangal, Advocate, Ms. Srijana Lama, Advocate, Ms. I.Abenla Aier, Advocate for NTPC Ltd., Unchahar Mr. Sanjeev Kr. Singh, Advocate and Mr. Asit Kumar, Advocate for Bajaj Hindustan Ltd. Mr. P.K Jain representative no tribunal notice only UPPCB notice received for J.K. Cotton Ltd. Mr. Pawan Upadhyay, Mr. Rajesh Chhetri, Advocate and Ms. Meenakshi Rawat for the Notice No 51 Mr. Pawan Upadhyay, Mr. Rajesh Chhetri Advocate and Meenakhi Rawat for Noticee No 14 Ms. Misha Rohtagi Mehta, and Mr. Karan Luthra for ROSA POWER Supply Company Ltd. Mr. Amit Sibal and Mr. Manu Aggarwal, Advs. Ms. Poonam Das, Adv. M/s Obeetee Pvt. Ltd. Mr. Ajay Bhargava, Ms. Vanita Bhargava and Mr. Ankur Khandewal, Advs. for the Noticees Mr. Sanjeev Kumar Singh, Adv. for the Noticee Mr. Pawan Upadhyay and Mr. Sarvjit Pratap Singh, Adv. for Noticee NO. 14&51 Mr. Yashpal Singh in M.A. No. 399 of 2014 Mr. Karan Luthra Adv. for M/s Rosa Power Supply Co. Ltd. Mr. Anil Sharma Adv. for the Noticee Mr. M.Z. Choudhary and Mr. Zaidi, Advs. for the Noticees Mr. Rahul Aggrawal, for the Noticees Mr. Motish K. Singh, Adv. for the Noticees Mr. Adreka Pandey for the Noticees Mr. Shariz Abbas Zaidi, Adv. for the Noticees Ms. Ranjana Roy and Ms. Vasudha Sen, Advs. for the Noticees

Date and Remarks	Orders of the Tribunal
Item No. 23 August 5, 2014	<p>A Report dated 2nd July, 2014 has been filed in the Registry of the Tribunal on 24th July, 2014. This report gives the details of nearly 972 industries which have been categorized under different heads. We will prefer to deal with the industries in different category rather than together. Firstly, we direct the Central Pollution Control Board and Uttar Pradesh Pollution Control Board to conduct a joint inspection of all the industries which are shown in Annexure-A to this Report. These Industries are categorized as “seriously polluting industries which have not installed any anti pollutant devices”. Besides this the Joint Committee shall bring in the report the industrial clusters of different categories and their location, particularly where they are situated on the banks of the river Ganges and river Yamuna, as the case may be. The committee shall confirm that the contents of Annexure- A of the Report are correct. In respect of the industries which were served with show cause Notice for closure it shall be reported as to what is the fate after the issuance of such Notice and the present status of the industry whether they are operating or not?</p> <p>The Committee shall further give a separate list of all the sugar and distillery Units functioning on the banks and nearby river Ganges and Yamuna and whether they are discharging their effluents into the river. This will include all industries dealing with sugar and distillery, irrespective of the fact whether they have installed ETPs or not. Samples shall be collected from all the industries and</p>

analysis reports be placed before the Tribunal. The trade effluent or sample of emissions as the case may be, shall be collected in two different parts and one shall be examined at the laboratory of the CPCB while other be examined by any well established and recognised national laboratory. There shall be a definite reference of the anti pollution devices and their functioning at the time of the inspection and otherwise. In the report it shall also stated what is the water source of the industry and whether any meter is fixed showing the consumption of water. The extent of the effluent discharge shall also be stated.

Strangely, in this report another doubt has been raised. Learned counsel appearing for the Association submits that the industry shown at serial 75 at page 165 of the Report is shown to be closed and dismantled while it is actually operating.

Mr. Aagney Sail, Advocate who is present before the Tribunal is appointed as the Local Commissioner in the matter. The Local Commissioner shall forthwith visit the said industry and submit a report. The fee of the Local Commissioner is initially fixed at Rs. 25000, in addition to the expenses that is to be incurred. The fee of the Local Commissioner shall be paid by Central Pollution Control Board and the Uttar Pradesh Pollution Control Board.

We make it clear that if the statement made on behalf of the Association is found to be incorrect the cost of the commission is to be borne by them and directions will be passed against the said Association.

The concerned SHO of the area concerned shall provide all assistance to the Local Commissioner.

List this case on 15th September, 2014.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(Dr. R.C. Trivedi)

