

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

**M. A. NO. 357 OF 2014
IN
Original Application No. 70 of 2014**

Shamsher Singh Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present: **Applicant:** Mr. Saurabh Chadda, Adv.
 Respondent No. 1: Ms. P.B. Singh and Mr. S. Khan, Advocates
 Respondent No. 2, 3, 4 & 6: Mr. Narender Hooda, Sr. Advocate, Mr. D.P. Singh, Mr. Vikas and Mr. Vineet Malik, Advocates

Date and Remarks	Orders of the Tribunal
Item No. 13 July 16, 2014	<p>Mr. Bhupender Singh, Regional Officer, Jind of the Haryana Pollution Control Board is present in Court. Certain facts form the records besides his objections to the report of the joint inspection team which clearly show that this report is not correct and true depiction of what is existing on the site have been pointed out by the Applicant.</p> <p>It is conceded by this officer that the date of working hours capacity mentioned in the report is not based on any actual verification but has been picked up from the project report submitted by the project proponent itself. It is further pointed out that no effort was made to inspect the stone crushers which are stated to be lying closed, when he went out for conducting inspection of the units.</p> <p>Further, it is also admitted that the units were not working to their optimum capacity and he did not require the units to work at their optimum capacity so as to actually examine the resultant pollution and the standard of parameters of emission by the stone crushers. He also submits that he did not verify water consumption by these</p>

stone crushers and whether water consumed was meant for industrial or agricultural purposes and whether the water consumption was subjected to cess and they actually paid water cess or whether these stone crushers were drawing water from agricultural fields.

We find that this officer has made an attempt to mislead the Tribunal and protect the polluting stone crushers at the cost of environment.

At this stage, learned Counsel appearing for the Haryana Pollution Control Board submits that they would conduct an inspection afresh in presence of the Applicant and submit a report which would be factually correct. He further submits that this officer would not be associated with the inspection. We direct the Member Secretary of the Haryana Pollution Control Board to examine this entire matter and take appropriate action against this officer.

We would prefer the Member Secretary of the Board to remain present at the time of inspection or very Sr. Officer of the Board, who would bring the correct facts and a comprehensive inspection report before this Tribunal should remain present during inspection.

We make it clear that we would be compelled to take some action against this officer for misleading the Tribunal on various aspects and trying to withhold the correct facts. However, at this stage, we would defer such action against this officer till a fresh report is submitted before us.

We also direct the Chairman of the Central Pollution Control Board to ensure that the officer nominated now for inspection brings a faithful report before the Tribunal. The report now to be submitted shall be comprehensive in all

respects. The fugitive emission during crushing operations screening, material handling, transportation, stack samples and ambient air quality samples shall be taken when the units would be working at optimum capacity. The samples would be taken and analysed by the Central Pollution Control Board and not by the Haryana Pollution Control Board.

Needless to notice that inspection would be conducted on a sunny day and when the units are working at their optimum capacity and we direct the Applicant to prepare videography of the inspection conducted.

List on 4th August, 2014.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

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

.....,EM
(B.S. Sajwan)

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

