

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

M.A. No. 266/2014 & M.A. No. 267/2014

**In
Appeal No. 7/2013(T_{HC})**

Advik Laboratories Ltd. & Anr. V/s State Govt. of Haryana & Ors.

**CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

**Present: Applicant / Appellant : Mr. Kamal Garg with Mr. Sachin Chopra, Advs.
Respondent No.1,2 &4 : Mr. D.P. Singh and Mr. Vineet Malik, Advs.
Respondent No. 7 : Ms. Panchajanya Batra Singh with Mr. S. Khan,
Advs.**

Date and Remarks	Orders of the Tribunal
Item No. 4 May 12, 2014	<p>This miscellaneous application is filed for a modification of the earlier order passed by this Tribunal dated 24.04.2014. In the said order, we have made it clear that in so far as the appellant is concerned, even though as per the Central Pollution Control Board (CPCB) report the ETP has been established but it is not fully operational. That was due to the reason that there was no order available for the purpose of doing the work. However, the Learned Counsel appearing for the appellant would submit that not only the new orders have come but also earlier orders were available but it was not properly represented and until and unless the ETP is made fully functional in the proper manner, the appropriateness of it cannot be identified by the Pollution Control Board.</p> <p>Accordingly, the learned Counsel appearing for the appellant would submit that the unit may be permitted to be operated for the purpose of finding out the operational capacity of the ETP. Considering the above said contention made by the learned Counsel appearing for the appellant, we are of the view that until and unless the ETP is operated in full capacity one cannot find out the correctness/efficiency of it to the satisfaction of the Pollution Control Board.</p>

Accordingly, we modify the earlier order and permit the appellant to operate its ETP from today onwards with full capacity for a period of two (2) weeks. On completion of the 2nd week, the Haryana Pollution Control Board (HSPCB) shall after verifying that ETP has worked with full capacity take samples and file its status report before this Tribunal.

We make it clear that after the completion of 2 weeks from today, the State Pollution Control Board (SPCB) shall file its report so as to enable this Tribunal to pass further orders. The SPCB shall take sample after the unit function for full 10 days and file the report.

Stand over to 26th May, 2014.

....., JM
(Dr. P. Jyothimani)

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

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. (Dr.) P.C. Mishra)

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

