

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

APPLICATION NO.109 (THC)/2013

Himanshu R. Barrot & Anr Vs State of Gujarat & Ors

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/ Appellant : Rajesh M. Chovhan Adv

Respondent Nos 1 & 2 : Viral K. Shah Adv

Respondent No.3 : Sudhir Nanawati Adv
: Saureen Shah Adv
: Hitesh Jain Adv

Date and Remarks	Orders of the Tribunal
<p>Item No.3 December 9, 2013 Order No.8</p>	<p>We have heard Learned Counsel for the parties. While we were hearing the arguments of the Counsel, it was noticed that there was some internal discrepancy between the reports submitted by the GPCB, as regards effluents and stake monitoring <i>viz-a-viz</i>, the conditions imposed while granting consent to operate the Industry.</p> <p>The Counsel for the Industry, however, submits that all the parameters have been satisfied due to the recent renovation of equipments and the system.</p> <p>In order to dispel the doubts and the ambiguity regarding ambient quality monitoring, particularly, in the context of nearby area, surrounding the Industry, Learned Counsel for the parties agree that it is necessary to get the work done through an independent Agency.</p> <p>By consent of Learned Counsel for the parties, we appoint Department of Environment Engineering, M.S.G.University of Baroda, to conduct the water and air monitoring, including ambient air monitoring of the surrounding area, in order to verify whether the standards enumerated in the latest consent order dated 18th January, 2011, are complied with. So also, the report on the subject of storm water drifted out through the Gutter, ETP, O & M quality of treated effluent, odour nuisance, management of stack emission, management of hazardous wastes and solid waste, storage of hazardous chemicals and other relevant aspects related to environmental management at the industry, should be covered while giving the detailed report. The expenditure required for conducting the study should be shared to the extent of 1/3rd each, by the Applicant, Industry and the GPCB respectively. Estimate of the cost shall be submitted by the Department after holding Meeting of all three (3) stake holders. We make it clear that since the work is being assigned</p>

Item No.3
December 9,
2013
Order No.8

to the University Department, austerity measures should be adopted and excessive cost should be avoided. We also make it clear that in case of any arrangement for transportation, the Industry and the GPCB shall take care of it, for which the Applicants will have no objection. We tentatively schedule common Meeting on 19th December, 2013, at University department. The Applicants shall, however, deliver a copy of this order to the Head of Department (HoD) of the University, immediately by hand or through the Courier, so as to make due preparation for such common Meeting. We further direct that tentatively three (3) stake holders, shall deposit amount of Rs.25,000/- each, with the concerned department of the University to meet out the cost of conducting independent study and monitoring, as essential cost in order to verify the fact situation. The fact finding report should be given within a period of four (4) weeks, after issuing required ToR. Stand over to 17th January, 2014 at 2.30 p.m.

Stand over to 17th January, 2014.

....., **JM**
(Justice V. R. Kingaonkar)

....., **EM**
(Dr.Ajay A. Deshpande)

