

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

**Original Application No. 776 of 2017
(Earlier O.A. No. 177/2017)**

IN THE MATTER OF :

Ashwini Kumar & Anr. Vs. Central Pollution Control Board

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present: Applicant: Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, CPCB
Respondent Mr. Anunaya Mehta, Adv.
Mr. Pradeep Misra and Mr. Daleep Dhyani, Adv. for UPPCB
Mr. B.V. Niren with Mr. Vinayak Gupta, Advs. for CGWA
Mr. Ashok Bhasin, Sr. Adv. with Mr. A.A. Aron, Adv.
Mr. S.A. Zaidi and Ms. Mansi Chahal, Advs.**

Date and Remarks	Orders of the Tribunal
Item No. 02 December 04, 2017	<p>The report of the Joint Inspection Team has been filed in Court.</p> <p>We are of the considered view that the said report does not inspire confidence. It lacks evidentiary value and denies scientific reasoning. In two reports BOD at inlet is more than 5000 mg/l while in one report it is shown as 439 mg/l. At the outlet point, where it was 493 mg/l, shows below detectable limit while in other report from 5000 mg/l it has been brought 6 – 8 mg/l which on the face of it, is unacceptable. It is nobody's case that during these three incidences there was upgradation of ETP. Even in normal course, if the BOD from 5000 could be brought 0 to 6 the parameters could not have been 30. Furthermore, this report is not signed by one of the Engineers of the Central Pollution Control Board who admittedly was present at the time of the inspection.</p> <p>We direct Member Secretary of Central Pollution Control Board and Uttar Pradesh Pollution Control Board to take action, in accordance with law, against these</p>

Officers. Both the Member Secretaries would submit a scientific report commenting upon the three reports that has been placed before the Tribunal.

We direct the Member Secretary of the Pollution Control Boards, to be accompanied with a representative from the Ministry of Environment, Forest & Climate Change to conduct a joint inspection of this Unit within one week from today. The report should be complete and comprehensive, along with analysis. When the report is filed before the Tribunal the same shall be placed before it in accordance with Rules. The Unit is permitted to run for a period of two weeks from today whereafter it will be shut down without delay.

Learned counsel appearing for Central Pollution Control Board shall ensure compliance of this Order.

Accordingly, Original Application No. 776 of 2017 stands disposed of, without any order as to costs.

.....,CP
(Swatanter Kumar)

.....,JM
(Dr. Jawad Rahim)

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Bikram Singh Sajwan)