

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

Original Application No. 276 of 2013

Ashwani Kumar Dubey 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. Avinash Prasad, Advocate and Mr. Ashwani K. Dubey, Applicant in person

Respondent No. 1: Mr. Vikas Malhotra and Mr. Marash P. Sahay, Adv.

Respondent No.2: Mr. Rajkumar, Advocate

Respondent Nos.3,5,8: Ms. Sakshi Kakkar, Adv. For Mr. C.D. Singh, Advocate

Respondent No. 4: Mr. Rajul Shrivastav, Advocate

Respondent Nos. 6&9: Ms. Savitri Pandey, Adv.

Respondent No. 7: Mr. Daleep Kr. Dhyani, Advocate

Respondent Nos.10, 11 & 12: Mr. Bharat Sangal and Ms. Srijana Lama Advocates

Respondent No.13, 14, 15, 16&21: Mr. Prayag Tripathi, Sr. Advocate and Mr. Syed Shahid, Adv.

Respondent Nos.14: Mr. Chetan Sharma, Sr. Advocate and Mr. Ninad Laud and Ms. Neena Nagpal, Advocates

Respondent Nos.18 & 22: Mr. Sanjeev Kapoor, Mr. Rajat Jariwal and Ms. Anisha Somal, Adv.

Respondent No.19&20: Mr. Manoj Kumar Sharma, Advocate

Respondent No.23: Mr. Kaustu P. Pathak, Advocate

Respondent No.24: Mr. Vinod Kumar and Mr. Harsh Sethi, Advocates

Date and Remarks	Orders of the Tribunal
Item No. 9 January 29, 2014	<p>Rejoinder on behalf of the Applicant to the Replies filed by some of the Respondents has been filed. Let copy of this Rejoinder be supplied to all the Learned Counsel appearing in the matter.</p> <p>The Learned Counsel appearing for the Uttar Pradesh Pollution Control Board and Madhya Pradesh Pollution Control Board respectively pray for time to file Replies/Reports. Let those be filed within one week from today with advance copies to the Learned Counsel appearing in this case. Liberty to the Learned Counsel appearing for the parties to file objections, if any, to the said Report.</p> <p>The Respondents who have not filed their respective Replies till now should file their Replies within two weeks from today with advance copy to the Applicant who may file Rejoinder thereto, in any, within one week thereafter.</p>

In the meanwhile, we hereby constitute THE following Committee:

1. Nominee of the Secretary of MoEF not below the rank of a Director.
2. Member Secretary, Uttar Pradesh Pollution Control Board.
3. Member Secretary, Madhya Pradesh Pollution Control Board.
4. Member Secretary, Central Pollution Control Board.
5. A representative not below the rank of Director from the Ministry of Heavy Industries

This Committee shall in the meanwhile inspect the entire area where coal mining, thermal plants, cement plants, aluminium or explosive plants and stone crushers are located in the bordering Districts of Singrauli, Madhya Pradesh and Sonbhadra.

This Committee shall Report as regards to the adherence to prescribed standard of emissions of all the major industries, their individual emissions at the stack level, disposal of fly ash, assessment of Cumulative Impact on environment of all the industries and ambient air quality samples, and answer whether the transportation of coal and other goods to these industries is causing health hazards on the road/ streets of these two Districts.

If the answers to the above and any of the questions are in the affirmative, then according to this Expert Committee what steps are required to be taken and what alternative methods could be adopted for the transportation of coal etc.

The Committee shall comment on the implementation of the action plan for adherence to environmental parameters in critically polluted area of Singrauli which was framed by the Madhya Pradesh Pollution Control Board; apart from examining proposal of Uttar Pradesh Pollution Control Board, if any.

Let this Report be submitted within three weeks from today.

Liberty is granted to the representatives of the companies and the Applicant to represent and participate in the meetings, but we make it clear that none of the representatives of the companies or Applicant would hamper or obstruct the proceeding of the Committee.

The Member Secretary, CPCB, shall be the Chairperson of the Committee and he shall be responsible for the conduct of the meetings.

All concerned shall fully cooperate and ensure that the directions contained in this Order are carried out without default.

List this matter for hearing on 3rd March, 2014.

.....,CP
(Swatanter Kumar)

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

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

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

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

