

Original Application No. 05/2014

Dr. Subhash C. Pandey Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Subhash C. Pandey
Respondent No. 4: Shri Shivendu Joshi Adv. for
Shri Purushendra Kaurav, Adv.
Respondent No.6 & 9: Shri Sachin K Verma, Adv.
Respondent No. 3: Shri Ravikant Patidar, Adv. for
Shri Sandeep Singh, Adv.
Respondent No. 5 : Shri Shivendu Joshi Adv. for
Shri Purushendra Kaurav, Adv.
Respondent No. 1: Shri Rajendra Babbar, Adv.
Respondent No. 7: Shri Rajendra Giri, Adv.
Respondent No. 9: Shri Alok Chaturvedi, OIC
Respondent No. 8 : Shri Ravindra Tiwar, Advoc.

Date and Remarks	Orders of the Tribunal
Order no. 2 24th April, 2014	<p>Replies of the Respondents No. 6 & 7 have been filed. The same are ordered to be taken on record. Learned Counsels for the Respondents No. 1 & 8 pray for time to file the reply. During the course of hearing the Learned Counsel for the parties stated that the matter may be split up into two as two issues are dealt in this O.A. i.e. one issue pertaining to the problem arising from the sewage and solid waste discharged from residential areas and the other being industrial effluents discharged from the industries located in Mandideep and both these issues may be dealt with separately. In view of the above, we direct that on the next date of hearing the issue with regard to the pollution caused by the industries and effluents discharged by them shall be taken up first.</p> <p>From the reply submitted by the MP State Pollution Control Board (MPPCB), we find that the inspection had been carried out and those industries which were found to be in default, were issued</p>

with notices. Shri Sachin K. Verma, Learned Counsel appearing on behalf of M.P. Udyogik Kendra Vilkas Nigam Ltd., Bhopal, Respondent No. 6 submitted that certain measures as enumerated in para 5 of their reply have to be taken as the Respondent No. 6 is only a catalyst i.e. agency which is developing the industrial area and the growth centre at Mandideep. However, we find from the reply that among the measures suggested by the MPPCB some of them are not enumerated.

Be that as it may. It was suggested by Shri Sachin K. Verma that the Managing Director, M.P. Udyogik Kendra Vikas Nigam Ltd., Bhopal would convene a meeting with officers of the Nigam as well as of the MPPCB in consultation with the Member Secretary and the Regional Officer MPPCB at Bhopal for identifying what measures that can be adopted for development of industrial hub at Mandideep by the M.P. Udyogik Kendra Vilkas Nigam Ltd., and its proposed extended area. Shri Sachin K. Verma, Learned Counsel submits that the aforesaid meeting shall be convened by the Managing Director within 7 days and outcome of the same shall be submitted by way of recorded minutes before the Tribunal within the next 7 days thereafter. In the meanwhile, the MPPCB which has already issued notices to the defaulting parties, is free to proceed against the defaulters in accordance with law. We may only reiterate that those polluting units which are found to be non-compliant, shall be closed down by the MPPCB and their electricity and water connection shall also be ordered to be disconnected. Only after the corrective measures, as indicated in

the notices, have been put into place, a fresh inspection shall be carried out by the officers of the MPPCB and after their subjective satisfaction they shall be free to grant permission for restarting the industries.

We may also point out that the Managing Director, M.P. Udyogik Kendra Vilkas Nigam Ltd., Bhopal has given the suggestive measures which have been enumerated by the MPPCB in their reply more particularly in Para No. 3 onwards which shall be taken note of by the concerned authorities. **For the abovesaid purpose, the matter be listed on 21st May, 2014.**

As far as the second aspect with regard to the problem arising as a result of Municipal Solid Waste and domestic sewage in Mandideep is concerned, the Respondent No. 8 submitted their reply. However, we find from the reply that the issues with regard to creation of the designated landfill site as well as discharge of effluents without being treated in the absence of the sewage treatment plant by the Municipality into the Betwa River, deserves to be considered by the officials of Urban Administration and Development Department (UADD) as well as the MPPCB.

It was submitted by the Learned Counsel appearing for the Respondent No. 7 that despite a lengthy correspondence made right from 2002 onwards the State Government has not provided required land for creating the designated landfill site to the Municipal Council, Mandideep though it has been submitted that in the year 2010 allotment was made but the Municipality has requested for allotment of the land free of cost as has been done in

the case of other Municipalities in the State. We would, therefore, impress upon the Respondent No. 9, Secretary, UADD, Bhopal to look into the aforesaid matter and convene a meeting with the concerned Revenue Officers as well as the District Collector, Raisen and CEO, Municipal Council, Mandideep for finding the solution to the allotment of the aforesaid land for the landfill site and the proposal for the same shall be forwarded as immediately far as possible and in any case not later than 30 days from today to the officials of the MPPCB for seeking their approval for the landfill site. It is further directed that at least two such sites may be identified and proposals sent so that in case there is objection to one site, the other site may be considered by the MPPCB. As regards the setting up of the sewage treatment plant for treatment of the sewage before its discharge into Betwa River that issue shall also be considered in the aforesaid meeting and the Government shall consider necessary financial assistance to the Municipal Council on priority basis. For the aforesaid purpose the Secretary, UADD shall convene a meeting within 15 days from today. It has also been noticed while hearing the matter with regard to new constructions which also need consideration and the representative of MP Housing and Infrastructure Development Board shall also be included in the aforesaid meeting by the Secretary, UADD for the aforesaid purpose.

We have been informed by the Applicant that in the absence of any master plan for Bhopal city no identification and demarcation of area for residential, institutional, commercial and

industrial use is being done and majority of the Real Estate Development projects are directly discharging their effluents into the river Betwa through Kaliasot river as well. Therefore this issue also requires to be addressed at the level of the Government. The meeting shall be convened within 15 days as suggested by Shri Sachin K. Verma, Learned Counsel, and the minutes of the meeting along with the decisions taken thereon, shall be considered by the Tribunal on 28th May, 2014. **Therefore, for the said purpose, the matter be listed on 28th May, 2014.**

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)

