

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

**Appeal No. 03/2017
(M. A. No. 168/2017 & M. A. No. 169/2017)**

**M/s Rahul Texo Print
Vs.
Rajasthan State Pollution Control Board & Ors**

**CORAM: HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present: Applicant /Appellant Mr. Ritwika Nanda and Ms.. Petal Chandhok,
Advs.**

Date and Remarks	Orders of the Tribunal
<p>Item No. 02 February 27, 2017 ps</p>	<p>The proprietor of the printing industry is before this Tribunal invoking appellant jurisdiction under Section 16 of the NGT Act, 2010, foreshore the act. The assailing the action of the respondent namely Rajasthan State Pollution Control Board and the District Collector who are in the party array as Respondent no. 1 and 3.</p> <p>The factual matrix on the basis of which the Tribunal then relief to quash the order as sought is are; is ; that the appellant is in business of printing as specified in its memorandum.</p> <p>The Respondent referred to above issued impugned direction dated 20th December, 2016 (; no.2) directing the 4th respondent that is the Jodhpur Vidyut Vitran Nigam Ltd. to disconnect electricity to supply to the appellant unit. This according to them is the direction in exercise to the power conferred under Sec 33 (b) of the Water (Prevention and Control of the Pollution) Act, 1974 forshort referred to as the Water Act.</p> <p>The Appellant grievance is that no formal order</p>

<p>Item No. 02 February 27, 2017 PS</p>	<p>has been passed to the direction applied tentamount to pass an order under Section 33 (b) of the Water Act is amenable to the appellant jurisdiction of this Tribunal.</p> <p>We have perused the impugned direction issued by the Respondent. On the perusal of the record we find that the narration of facts in the Appeal Memo does not support the Impugned direction at pg 31 which is marked as Annexure A1 is neither the direction nor an order passed by any Competent Authority under the Water Act.</p> <p>It is captioned as “Spot Inspection Report of Baltora/Baithuja/Jasol situated Industrial Unit. It has a tabulised format in which the name of the unit is inspected and the nature of the inspected industry, status of finding with regard to the status ETP connectivity, CETP connectivity are incorporated. The footnote in the inspection report contains following statement:</p> <p>On the sport inspection, leakage seepage was found in the gutter built up of Cement adjacent to the wall. The Gutter inside the industry was found blocked with RCC. In accordance with the order of the Sub- Divisional Officer, Balotra, J.V.V.N.L was made to disconnect the electricity signed by Mr. Rakesh Kumar Dhingra, the designation of the officer is also not indicated.</p> <p>In the circumstances Annexure A cannot be considered as either under direction of 33 A or B under the impugned order passed under Water Act. In the fact situated we have directed to obtain and provide at least an order which said to have been passed by is Sub-Division Officer Balotra referred to as Annexure A.</p>
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	<p>Item No. 02 February 27, 2017</p> <p>PS</p>	<p>When the Counsel in the Appellant submit and appearance has been made and the Authority had not responded as far the Tribunal is concerned unless any order examine to appeal the appellate jurisdiction is difficult under section 16 of the act. Howeverand hence we permit the appellant to PCB that is Respondent No. 1 and 2 to seek whether there is any orders passed by them invoking any of the provision either in the Water Act or under law to restrain the unit or its functioning which become genesis for disconnection of water electricity based on the respond appellant is entitled to remedial action.</p> <p>Reserving such liberty we dispose of the Appeal. In view of this order M.A. No's 168 and 169 of 2017 stands disposed of with no order as to cost.</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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