

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

**Original Application No. 486 of 2014
(M.A. No. 800 of 2014)**

Gauri Maulekhi Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present:

Applicant:	Mr. Rahul Choudhary and Ms. Maneka Kaur, Advs.
Respondent No. 1:	Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates
Respondent Nos. 2to3:	Mr. Rahul Verma, (AAG), Advocate
Respondent No. 4:	Mr. Mukesh Verma, Advocate
Respondent No. 5:	Mr. Rajkumar, Adv. and Mr. S.L. Gundli, Sr. LO
Respondent No. 6:	Mr. Ranjan Roy and Mr Bhavya Bharti, Advs.

	Date and Remarks	Orders of the Tribunal
	Item No. 03 February 27, 2015	<p>We have heard the Learned Counsel appearing for the parties. It is a glaring example of non-performance of its statutory and public obligation by the statutory authority. From the records before the Tribunal it is evident that this unit which is a paper pulp industry would have to be regarded as highly polluting industry because of failure on the part of the industry to comply with the requirements of the consent order issued by the Board and causing pollution. The industry was ordered to be closed in the year 2011. After it undertook to comply with the directions issued under the Water and Air Act, the industry was permitted to restart its operation.</p> <p>The Industry was again inspected by the CPCB on 26th June, 2014 and it was found to be again in default. In the inspection report it was noticed that all the three STPs installed by the industry were non-performing and the trade effluent discharged by it was causing pollution. The report was duly supported the inspection note was fully supported</p>

by the analysis report.

The Applicant has filed various photographs showing the serious environmental pollution being caused by the industry in an around its premises. According to the Applicant the industry is disposing of its waste in the pits at several places including in the pits created by stone crusher activity. It is contended by the Applicant that the industry is causing serious environmental problems.

The Learned Counsel appearing for the Uttarakhad Pollution Control Board submits that the Affidavit is as vague as possible. However, according to them the unit was found to be confirming.

The Learned Counsel appearing for the industry also contends that the unit has complied with all the directions issued by the CPCB and is a conforming unit now.

What accordingly surprises the Tribunal is that consent to operate was renewed/granted by the PCB on 23-4-2014 and 18-06-2014. No inspection report supporting grant to consent has been placed before the Tribunal.

The unit was inspected by the CPCB on 26-06-2014. As already noticed on the functioning of the unit and had pointed out deficiencies of very serious nature. How could the Board grant consent and why did it permit the industry to operate after June, 2014? In fact, there is nothing on record before us to show that the Uttarakhand PCB took any action infurtherance to the report of 24-06-2014 much less compelling the unit to comply with the directions when it ought to have directed closure of the industry.

We have already noticed that the it is a seriously polluting industry and can have very serious environmental impact on air and water particularly ground water. The

Effluent is being discharged in the river Gola which joins river Ramganga which is one of the main tributary of river Ganga.

While expressing our anguish in the manner in which the Board has treated such industry, without hesitation, we pass following directions:

- 1) The unit shall be inspected by the Joint Inspection Team consisting of representatives of MoEF, CPCB and Uttarakhad Pollution Control Board and the Professor nominated from IIT, Roorkee. The inspecting team shall submit a report to the Tribunal positively before the next date of hearing.
- 2) The report shall deal with all aspects of the activity of this industry and its various units, performance of ETPs, the elements of pollution, where the effluents are being discharged, what is the source of water, quantity of water utilized and quantity of effluent discharged.
- 3) In addition thereto it shall be recorded in the report, if necessary after inspection of the records of the PCB and the industry, as to when the first application for obtaining consent of the Board was moved and when the consent to establish and to operate were granted . If the unit was established post 1974 Act, it shall also be reported as to when the Application moved for renewal /grant to consent to operate and when such consent was granted. The inspection reports on the basis of which such consent was granted shall be annexed to the report.
- 4) It shall be specifically mentioned if the consent

was granted when conducting physical inspection of the unit and analysis of the effluents or otherwise.

5) When did the industry established the ETP for the first time. The periods when they were found to be under/non-performing and their present status.

6) Inspection team shall collect a trade effluent of the industry from the premises and at the point of discharge where it meets at the point of released of effluent in River Gola. The analyse report of the water, trade effluents and the ambient air quality shall be submitted to the Tribunal on the next date of hearing. The samples from stack as well as ambient air quality would be collected.

7) At the time of inspection the unit shall perform to its optimum capacity and that will be ensured by the inspecting team. It is not necessary for the inspecting tram to give advance notice to the industry.

8) We direct the industry to operate to its optimum capacity atleast for the coming two weeks and fully cooperate with the inspecting team for compliance of the direction of this Tribunal.

9) The inspecting team shall also records it is in with regard to disposal of the solid waste by the industry and places where such solid waste is being dumped, its impact and even likely impact on the ground quality and ground water quality. Samples may also be collected from those sites.

List this matter for directions on 12th March, 2015.

.....,CP
(Swatanter Kumar)

.....,EM
(M.S. Nambiar)

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

.....,EM
(Ranjan Chatterjee)

