

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

WP (C)3727/1985; Original Application No. 196/2014 (M.A No. 879/2014); Original Application No. 200/2014 (C.W.P. No. 3727/1985); M.A No. 62/2015 in Original Application No. 215/2014; M.A. No. 88/2015 in Original Application No. 475/2014; Original Application No. 64/2014 (M.A No. 137/2014); Original Application No. 250/2014; Original Application No. 317/2014; Original Application No. 251/2014; Original Application No. 253/2014; Original Application No. 254/2014; Original Application No. 318/2014; Original Application No. 319/2014 (M.A. No.102/2015); Original Application No. 320/2014; Original Application No. 321/2014; Original Application No. 322/2014; Original Application No. 324/2014; Original Application No. 325/2014; Original Application No. 326/2014; Original Application No. 327/2014; Original Application No. 328/2014; Original Application No. 329/2014; Original Application No. 428/2014; Original Application No. 340/2014; Original Application No. 342/2014; Original Application No. 343/2014; Original Application No. 344/2014; Original Application No. 345/2014; Original Application No. 346/2014; Original Application No. 347/2014; Original Application No. 348/2014; Original Application No. 349/2014; Original Application No. 350/2014; Original Application No. 352/2014; Original Application No. 353/2014; Original Application No. 355/2014; Original Application No. 356/2014; Original Application No. 357/2014; Original Application No. 358/2014; Original Application No. 359/2014; Original Application No. 360/2014; Original Application No. 361/2014; Original Application No. 362/2014; Original Application No. 363/2014; Original Application No. 364/2014; Original Application No. 366/2014; Original Application No. 367/2014; Original Application No. 368/2014; Original Application No. 370/2014; Original Application No. 372/2014; Original Application No. 373/2014; Original Application No. 374/2014; Original Application No. 375/2014; Original Application No. 376/2014; Original Application No. 377/2014; Original Application No. 379/2014; Original Application No. 380/2014; Original Application No. 381/2014; Original Application No. 382/2014; Original Application No. 384/2014; Original Application No. 385/2014; Original Application No. 386/2014; Original Application No. 387/2014; Original Application No. 388/2014; Original Application No. 389/2014; Original Application No. 390/2014; Original Application No. 391/2014; Original Application No. 392/2014; Original Application No. 393/2014; Original Application No. 394/2014; Original Application No. 396/2014; Original Application No. 398/2014; Original Application No. 399/2014; Original Application No. 400/2014; Original Application No. 401/2014; Original Application No. 403/2014; Original Application No. 404/2014; Original Application No. 405/2014; Original Application No. 407/2014; Original Application No. 408/2014; Original Application No. 409/2014; Original Application No. 410/2014; Original Application No. 411/2014; Original Application No. 412/2014; Original Application No. 414/2014; Original Application No. 415/2014; Original Application No. 416/2014; Original Application No. 417/2014; Original Application No. 418/2014; Original Application No. 419/2014; and M.A No. 280/2015 in Original Application No. 402/2014

KRISHAN KANT SINGH

VS.
M/S. HINDUSTAN COCACOLA BEVERAGES PVT. LTD., MEHDIGANJ, RAJATALAB,
VARANASI
AND
M.C. MEHTA VS. UNION OF INDIA
AND
VARIOUS CONNECTED MATTERS

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present Applicant : Mr. Rahul Choudhary and Ms. Neha Kurian, Advs.

Respondent No. 1: Mr. Amit Sibal, Sr. Adv. and Mr. Manu Aggarwal, Adv.

Respondent No. 2 : Mr. Raj Kumar, Adv. with Mr. S.L. Gundli, SLO, CPCB

Respondent No. 3: Mr. S.A. Zaidi and Ms. Gulnaz Parveen, Advs.

Respondent No. 4 : Dr. Abhishek Atrey and Mr. Atif Suhrawardy and Mr. Sumit Rajora, Advs.

Respondent No. 5: Mr. Ranjit Rao, AAG and Ms. Savitri Pandey, Adv.

Respondent No. 6: Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs.

Respondent NO. 8: Mr. Kabir S. Bose, Mr. Saakar Sardana and Ms. Surabhi Sardana, Advs.

Respondent No. 18: Mr. Devashish Bharuka, Ms. Priyanka Singh and Ms. Anu Tyagi, for State of Jharkhand

Respondent No. 19: Mr. Jayesh Gaurav for JSPCB
Mr. Mukesh Verma, Adv.
Mr. Ardhendumauli Kumar Prasad, Advs. For M/o Water Resource
MR. Gopal Jha and Mr. Gautam Singh, Advs.
Mr. Pramod Kumar, Adv.
Mr. Atul Batra, Adv. For Mother Dairy
Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv.
Mr. Sudhir K. Makkar, Adv.
Mr. Sanjay Upadhyay and Mr. Salik Shafique, Advs.
Ms. Panchajanya Batra Singh, Adv.
Mr. Sanjeev Ralli and Mr. Sahil Sangar, Advs. with Mr. Dinesh Jindal, LO, GNCTD & DPCC
Ms. Savitri Pandey, Adv.
Mr. B.V. Niren and MR. V. Vardhan, Advs.
Mr. Pawan Upadhyay, Adv.
Mr. Ashok Bhasin, Sr. Adv. Mr. A.A. Arun, Adv.
Ms. Yogmaya Agnihotri, Adv. for CECB
Mr. Pankaj Sharma, Adv.
Mr. C.D. Singh, AAG, Mr. Apoorv Kurup and Mr. V.C. Shukla, Adv.
Mr. Rahul Shukla, Adv. Mr. K.S.M. Vimal Kanth, Adv.
Mr. A.R. Takkar, Mr. Rashid Saled and Ms. Sugandha, Adv.
Dr. Yashpal Singh and Ms. Antima Bazaz, Advs.

Date and Remarks	Orders of the Tribunal
<p>Item No. 14 to 103</p> <p>April 23, 2015</p> <p>SS</p>	<p>Item No. 14</p> <p><u>Original Application No. 196/2014 (M.A No. 879/2014)</u></p> <p>List this matter before Court No. 2 on 08th July, 2015 only in relation to M/s. Hindustan Cocacola Beverages Pvt. Ltd., Mehdiganj, Rajatalab, Varanasi, along with Appeal No. 43 of 2014.</p> <p><u>M.A. No. 879 of 2014</u></p> <p>This relates to M/s. Dabur India Ltd.</p> <p>The Learned Counsel appearing for U.P. Pollution Control Board submits that this industry/unit has been subjected to Joint Inspection in furtherance to the order of the Tribunal. He further states that upon Joint Inspection the unit has been found largely complying environmental norms and non-polluting; however, certain observations have been made for better performance and more effective control of pollution. In the light of the above we dispose of this application with the following directions:-</p> <ol style="list-style-type: none"> 1. The unit can carry on its activity in accordance with law and adhering strictly to the prescribed norms for discharge of its effluent. 2. Unit shall apply within one week from today for permission from the CGWA with complete documentation, if not applied earlier. <p>Such application would be considered by the CGWA and permission will be granted or refused as the case may be within 2 months thereafter.</p>

We direct CGWA that it should apply its mind to all aspects particularly to the fact that in all areas groundwater is depleting at a fast rate. If permission is granted, it shall impose condition for ensuring recharging groundwater and providing system which would help in that direction.

It will be mandatory for CGWA to direct the applicant to submit the groundwater analysis report along with the application.

Industry shall also consider and study, along with the PCB, the method of recycling the discharged water either for horticulture or for flushing purpose etc. depending upon the feasibility there to. Industry shall be directed to comply with the direction. With the above direction the M.A. No. 879 of 2014 stands disposed of with no order as to costs.

Item No. 15

Original Application No. 200/2014 (C.W.P. No. 3727/1985)

List this matter on 27th April, 2015.

Item No. 16

Original Application No. 215/2014

M.A. No. 62 of 2015

The Learned Counsel appearing for the U.P. Pollution Control Board submits that M/s. Mother Dairy Fruit and Vegetable (Pilkhuwa Unit) is complying and non-polluting. Further he states that this industry has applied for authorisation from the Board for dealing with the

hazardous materials. The Learned Counsel appearing for the Company submits that they have already been granted permission. The Board would ensure that the said application, if not already disposed of, is disposed of expeditiously in accordance with law.

With the above direction the M.A. No. 62 of 2015 is disposed of and unit can continue its activity strictly in accordance with law. There shall be no order as to costs.

Item No. 17

Original Application No. 475/2014

M.A. No. 88 of 2015

The industry Tasty Dairy Specialities Ltd., Kanpur it is a closed unit. The M.A. No. 88 of 2015 and Original Application No. 475 of 2014 have already been rendered infructuous and are accordingly disposed of with no order as to cost.

Item No. 19

Original Application No. 250/2014

The Learned Counsel appearing for the industry submits that the sugar season is over and the industry is already lying closed. The Learned Counsel appearing for the Board submits that the Joint inspection has been conducted of this industry in furtherance to the order of the Tribunal, and the industry is directed to comply with certain directions. Let the compliance of the direction be shown by the industry and unless it complies with all the directions stated in the Joint Inspection report, industry would not be permitted to operate. The compliance report

shall be submitted by the industry to the Tribunal as well as to the Board.

With the above direction Original Application No. 350 of 2014 is disposed of with no order as to costs.

Item No. 18

Original Application No. 64/2014 (M.A No. 137/2014)

The Applicant appeared in person and submits that he would file evidence by way of affidavit. Let the affidavit be filed by the Applicant within three weeks from today with advance copy to the respondents. List the matter for cross examination of the witnesses on 2nd and 3rd July, 2015.

In the meanwhile liberty is also granted to the Applicant to summon the witnesses if any for their cross-examination before the Tribunal. List this matter for recording of the evidences of the Applicant on 2nd and 3rd July, 2015.

Item No. 20

Original Application No. 317/2014

The Joint Inspection Team has filed the report and it is stated that this unit is non-complying and polluting. The Learned Counsel appearing for the industry prays for further time to file objection. Let the objection be filed.

List this matter for final arguments on 05th May, 2015.

Item No. 21

Original Application No. 251/2014

Nobody is present on behalf of the Applicant. The report of the Joint inspection Team has been filed and according to the report it is polluting and non-complying industry. It has been stated that this industry has even constructed a by-pass so as to discharge of completely polluted/effluent into the waterbody.

None is present on behalf of industry. In view of Joint Inspection report we direct that this industry shall be closed forthwith and Board will ensure that the industry does not operate. However, industry is granted liberty to comply with all the directions issued by the Joint Inspection Team and move an application to the Tribunal for recommencing its activity.

With the above direction Original Application No. 251 of 2014 stands disposed of without any order as to costs.

Item No. 22 & 33.

Original Application No. 253/2014 and Original Application No. 328/2014

The Learned Counsel appearing for the Board members pray for further time to file copy of the Joint Inspection report on record. Liberty granted.

List this matter for hearing on 05th May, 2015.

Item No. 23

Original Application No. 254/2014

Nobody is present on behalf of the Applicant. The report of the Joint inspection Team has been filed and according to the report it is polluting and non-complying industry.

The industry does not have permission from CGWA. Let them be closed.

In view of the report none is present on behalf of industry. We direct this industry shall be closed forthwith and Board will ensure that the industry does not operate. However, industry is granted liberty to comply with all the directions issued by the Joint Inspection Team and move an application to the Tribunal for recommencing of its activity.

With the above direction Original Application No. 254 of 2014 stands disposed of without any order as to costs

Item No. 24

Original Application No. 318/2014

The Learned Counsel appearing for the Pollution Control Board submits that this industry is non-complying and polluting. The Learned Counsel appearing for the industry submits that they want to file objections.

List this matter for final disposal on 05th May, 2015.

Item No. 25

Original Application No. 319/2014 (M.A. No.102/2015)

The Learned Counsel appearing for the Applicant submits upon instruction of the Vice-President of the Industry that industry undertakes to carry out directions issued by this Tribunal within four weeks from today. We make it clear if the direction of the Joint Inspection team are not carried out within four weeks, industry will be shut down and the Vice-President present would be liable

to be proceeded against in accordance with law.

With the above direction the Original Application No. 319 of 2014 stands disposed of.

Item No. 26

Original Application No. 320/2014

The Joint Inspection Report shows that this industry is complying and non-polluting. However it has the ground water as the source of water for its industrial activity and it does not have any permission from the CGWA. Let the industry comply the same within one week from today which would be considered by the CGWA expeditiously and if no permission is granted industry will be shut and would not be permitted to operate. The CGWA shall adhere to the orders passed by this Tribunal.

With the above direction Original Application No. 320 of 2014 stands disposed of.

Item No. 27

Original Application No. 321/2014

The representatives of the Company submit that they will comply with the recommendation issued by the Joint Inspection Team within two weeks from today. She gives an undertaking to the Tribunal to comply with this direction.

Let the industry comply with the direction issued by the Joint Inspection Team within two weeks from today. In the event of default besides that the industry would be liable to be proceeded against in accordance with law for violating this undertaking to the Tribunal and would be

shut by the Pollution Control Board.

With the above direction the Original Application No. 321 of 2014 stands disposed of without any order as to costs.

Item No. 28

Original Application No. 322/2014

The Joint Inspection Team has issued certain directions to the industry which they should comply with to become compliant and non-polluting industry. The Learned Counsel appearing for the industry submits that they would carry out direction issued by the Board and the Joint Inspection Team within two weeks from today. We record undertaking on behalf of industry; if the industry not comply with the directions, the Board shall shut down the industry forthwith.

With the above directions the Original Application No. 322 of 2014 stands disposed of without any order as to cost.

Item No. 29

Original Application No. 324/2014

The only direction issued by the Joint Inspection Team in its report has pointed out some deficiencies. The Director on behalf of Company gives undertaking to the Tribunal that they will comply with all the deficiencies within four weeks from today and would also obtain permission from CGWA for extraction of groundwater. On the basis of the undertaking given by the Director of the company, the applicant would comply with the

undertaking failing which the Pollution Control Board shall shut down the industry forthwith.

With the above directions the Original Application No. 324 of 2014 stands disposed of without any order as to cost.

Item No. 30, 31, 32 & 34 to 103.

Original Application No. 325/2014; Original Application No. 326/2014; Original Application No. 327/2014; Original Application No. 329/2014; Original Application No. 428/2014; Original Application No. 340/2014; Original Application No. 342/2014; Original Application No. 343/2014; Original Application No. 344/2014; Original Application No. 345/2014; Original Application No. 346/2014; Original Application No. 347/2014; Original Application No. 348/2014; Original Application No. 349/2014; Original Application No. 350/2014; Original Application No. 352/2014; Original Application No. 353/2014; Original Application No. 355/2014; Original Application No. 356/2014; Original Application No. 357/2014; Original Application No. 358/2014; Original Application No. 359/2014; Original Application No. 360/2014; Original Application No. 361/2014; Original Application No. 362/2014; Original Application No. 363/2014; Original Application No. 364/2014; Original Application No. 366/2014; Original Application No. 367/2014; Original Application No. 368/2014; Original Application No. 370/2014; Original Application No. 372/2014; Original Application No. 373/2014; Original Application No. 374/2014; Original Application No. 375/2014; Original Application No. 376/2014; Original Application No. 377/2014; Original Application No. 379/2014; Original Application No. 380/2014; Original Application No. 381/2014;

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List these matters on 27th April, 2015.

.....,CP
(Swatanter Kumar)

.....,EM
(Prof. A.R. Yousuf)

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