

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

M.A. No.05/2013

Application No.04/2013 (P.B. No.97/2012 (T<sub>HC</sub>) Sandeep Lahariya Vs. State of M.P. Ors.

AND

Application No.05/2013 (P.B. No.99/2012 (T<sub>HC</sub>) Greater Gwalior Plastic Vs. Union of India & Ors.

**QUORUM : HON'BLE DR. JUSTICE P. JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**PRESENT : Applicant : None appeared**  
**Respondent Nos.1, 7 & 8: Shri Sachin K. Verma, Adv.**  
**Respondent No. 2: Shri Shivendu Joshi,Adv.**  
**Respondent No.6 : Shri Om Shankar Shrivastava, Adv.**  
**Intervener : Shri Shyam Narayan Chouksey**

<b>Date and Remarks</b>	<b>Order of the Tribunal</b>
<b>Item No. 3 14<sup>th</sup> May, 2013</b>	<p>Intervener Shri Shyam Narayan Chouksey has filed an application to implead himself as a party in these cases on the ground that he belongs to an NGO organisation and certain workshops have been conducted for the purpose of creating awareness among the people to avoid plastic. He has also stated in the application that certain vegetable markets namely Bittan Market and similar other markets at different places in the city of Bhopal are using the plastic in large quantities. He has also brought to the notice to this Tribunal that the cows and other animals, by eating the carry bags thrown alongside the road and drains, are said to be affected and therefore, he has got interest in the said matter of dispute made in Application No. 04/2013 (CZ) (P.B.No.97/2012 T<sub>HC</sub>) and Application No. 05/2013 (CZ) (P.B.No.99/2012 T<sub>HC</sub>).</p> <p>The Learned Counsel appearing for the State, Shri Sachin K. Verma would submit that he has no objection for impleadment of the intervener as a party in these two applications. He also brought to the notice of this Tribunal that in as much as the intervener seeks prevention of plastic carry bags in Bhopal, the implementing authority being Municipal Corporation of Bhopal, the Commissioner, Municipal</p>

**Item No.3**  
**14<sup>th</sup> May,**  
**2013**

Corporation, Bhopal can also be made party. The Principal Secretary, Urban Administration is already made as Respondent No. 7 in Application no.4/2013 However, we are of the view that Municipal Corporation, Bhopal should also be made party for passing appropriate orders in both the applications. Accordingly, we *suo moto* implead the Commissioner, Municipal Corporation as Respondent No. 9 in application No. 04/2013 and as Respondent No. 6 in Application No. 05/2013. Mr. Sachin K. Verma Counsel appearing for the State undertakes to inform the Corporation so as to enable them to appear before the Tribunal on the next date of hearing.

The Learned Counsel appearing for the Traders Association who is the applicant in Application no. 5/2013 would however, object to the impleadment of the intervener on the ground that in as much as in application No. 04/2013, a larger issue has been taken up by this Tribunal for the purpose of passing order regarding prevention of plastic carry bags throughout the State of Madhya Pradesh, there is no need for impleading the present intervener who has restricted his claim only in respect of city of Bhopal.

The Learned Counsel appearing for the MPPCB as well as the Commissioner, Municipal Corporation have however, no objection for impleadment of the intervener as a party.

We have carefully considered the contention raised by the Learned Counsel appearing for the Traders in Application No. 05/2013 and also the averments made by the intervener in the application. The concept of pollution, either it is creating awareness against plastic or otherwise is a matter of public domain. It is not a dispute *inter vivos* between the parties, Therefore in our considered view, technicality shall not stand in the way of rendering substantial justice. By impleading the intervener, no harm is going to be caused to any one of the respondents. On the other hand, if the intervener is of substantial assistance to this Tribunal by bringing out some of the factual informations, it will be certainly useful, not only for

**Item No. 3**  
**14<sup>th</sup> May,**  
**2013**

Tribunal but also, in the interest of respondents to have a comprehensive decision to be taken by the Tribunal, which is ultimately in the interest of the people of the State. Accordingly, we feel that the intervener should be made as a party. Accordingly, the Miscellaneous Application No. 05/2013 stands allowed and the intervener is impleaded as Respondent No. 10 in Application No. 04/2013 and as Respondent No. 7 in Application No. 05/2013.

The Registry to make necessary amendments in both applications. We also direct the intervener who is impleaded as Respondent No. 10 to file detailed affidavit within two weeks from today by giving advance copies to all the Counsel appearing for the respondents. Thereafter, it is open for the respondents to file reply to rejoinder, if any, within one week.

Stand over to 01.07.2013.

.....JM  
(Dr. P. JYOTHIMANI)

.....EM  
(Dr. AJAY A. DESHPANDE)

