

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Application No. 01/2012
Sanjay Agnihotri V/s Union of India & Ors.

CORAM: HON'BLE SHRI JUSTICE U. D. SALVI, JUDICIAL MEMBER
HON'BLE DR. P.C. MISHRA, EXPERT MEMBER
HON'BLE SHRI P.S. RAO, EXPERT MEMBER
HON'BLE SHRI B.S. SAJWAN, EXPERT MEMBER

Applicant / Appellant : Mr. Rahul Choudhary, Adv.
Respondent No. 1 : Mr. Vikramjeet Adv. for Ms. Neelam Rathore, Adv.
Respondent No. 2 : Mr. Daleep Kr. Dhayani, Adv.
Respondent No. 3 : Mr. N.K. Gupta, SEE, CPCB
Respondent No. 5 : Mr. Ravinder Kumar, Adv.
Respondent No. 6 : Mr. Rishi Sehgal, Adv.

Date and Remarks	Orders of the Tribunal
<p>Order No. 17 May 14, 2013</p>	<p>We have heard Learned Counsel for the parties.</p> <p>We have perused the Joint Committee Report dated 18.02.2013, filed by the Respondent No. 3 (Central Pollution Control Board) on 15.03.2013. The Joint Committee, constituted as per the order dated 15.01.2013 of this Tribunal, has reported that 3239 industries under operation in NOIDA, have been registered with the UP Pollution Control Board. As per the pollution load which they add to the environment, they have been categorized into Red, Orange and Green categories. It is further revealed, at Annexure-II of the Report that 35 industries were actually inspected by the Committee and the monitoring results are available in the Annexures thereto. Perusal of the monitoring results in the Report at Annexure-II reveals that many of the industries are not operating within the standard parameters and there is non-compliance of standards on the part of the industries. On instructions from Mr. Utsav Sharma, AE, Learned Counsel for the UPPCB points out that the industries named at serial nos. 1 to 6, 8 to 10, 14, 15, 17 to 20, 26, 27 and 29 listed at Annexure-II of the Report fall in Red category in a sense they cause pollution to the maximum extent.</p> <p>Considering the submissions, we direct that the industries, identified as falling in the Red category in the list at Annexure-II of the Report dated 15.03.2013, shall not operate till they comply</p>

with the standards prescribed and bring down the pollution load to the prescribed levels.

In the meanwhile, the UPPCB shall continue to monitor rest of the industries under Red category and also all the industries listed under Orange category and deal with them in accordance with law. Compliance Report to be submitted on next date. Preference in monitoring the industries, shall be given to the industries falling in the Red category and steps to check the pollution in accordance with law, shall be undertaken expeditiously.

UPPCB shall communicate this order to the industries which have been identified as Red category at Annexure-II to this Report.

Stand over to 11th July, 2013.

....., JM
(U. D. Salvi)

....., EM
(Dr. P.C. Mishra)

....., EM
(P.S. Rao)

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

