

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

M.A No. 599/2013 And  
M.A No. 600/2013 and  
M.A No. 602/2013

In  
Original Application No. 33(T<sub>HC</sub>)/2013

Karnail Singh & Ors. V/s CPCB &Ors.

CORAM: HON'BLE SHRI JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER  
HON'BLE DR. P.C. MISHRA, EXPERT MEMBER  
HON'BLE SHRI B.S. SAJWAN, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Applicant / Appellant : Mr. Gaurang Kanth, Adv.  
Respondent No. 1 : Mr. Rajkumar, Adv.  
Respondents No. 9 : Mr. Praveen Mahajan, Adv. and Ms. Ruchi  
(MA No. 602) Mahajan, Adv.

Date and Remarks	Orders of the Tribunal
Order No. 1 July 19, 2013	<p>Heard. Perused.</p> <p>These are Applications moved by the industries, namely, M/s. Prerna Strips and M/s. Essix Bioscience Pvt. Ltd. situated at the Focal point, Dera Basi, Punjab for intervention in the present <i>lis</i> as well as for abeyance of the order of closure passed by the State Pollution Control Board.</p> <p>According to them, they have taken steps to rectify the shortcomings, particularly, in respect of the effluents discharge made by them; and as such their prayer for abeyance of the said order is justified. They also submit that the order in question hurt them and as such their intervention in the matter is called for.</p> <p>Our attention is drawn to the material portion of the order dated 04.07.2013 passed by the Tribunal which reads as follows:</p> <p>“We direct the Punjab Pollution Control Board to stop functioning of all the industries immediately including industries which are mentioned in the affidavit, those are found to be non-complying industries.”</p> <p>We record for the benefit of all that the intention of passing this order was to prevent non-complying industries from remaining in operation as their non-compliance with the standards laid down, particularly as regards the permissible limit of discharge, adds</p>

pollution to the environment.

Whether these industries are complying with the standards or not is the matter which can be confirmed by the State Pollution Control Board (SPCB) itself. However, none is present on behalf of the SPCB.

We, therefore, feel that the response of the SPCB requires to be called for by issuance of the notice to them on these applications. However, as an interim measure, we direct the SPCB to visit the industrial sites in question and to verify at the site whether the Applicants have taken adequate measures to comply with the required norms and actually the effluents from the said factories are treated and meet the standards laid down by the law. This shall be done by the SPCB within a week of the receipt of this order and they shall revert back to this Tribunal with their findings on the next date of hearing.

A statement is made, on instructions from M/s. Prerna Strips that all the faults which were there in the effluent treatment plant have been removed and the effluents treatment plant installed in its factory is in sound condition to effectively treat the effluent generated from the factory. To add to this, it is further stated that they have entered into an agreement with M/s. JBR Technologies Pvt. Ltd., Member of Ludhiana Effluent Treatment Society for lifting and treating the effluents vide agreement dated 25.06.2013.

Whatever be the agreement, it would be incumbent upon the Applicant (M/s. Prerna Strips) to treat their effluents effectively before it leaves its factory.

Similar statement is made by M/s. Essix Bioscience Pvt. Ltd. that their effluent treatment plant is effectively working and is not discharging any effluent outside its premises, and the condition of furnishing Bank Guarantee of Rs. 10 lakh put forth by the SPCB, for operation and maintenance of ETP effectively, has been duly furnished. Our attention is also invited to the observations in the

status report dated 10.06.2013, a copy of which is annexed at annexure R-9(b) to the Application, wherein there appears a record of the facts asserted by the Applicants in M.A No. 602 of 2013.

Relying on the word of the Applicants, we allow the Applicants to commence and conduct their operations of the industries till next date on trial basis only.

Issue notice to the parties to the main Petition, particularly, to the Punjab SPCB by speed post as well as dasti. Notice returnable on 7<sup>th</sup> August, 2013.

Stand over to 7<sup>th</sup> August, 2013.

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

....., EM  
(Dr. G.K. Pandey)

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

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

....., EM  
(Dr. R.C. Trivedi)

