

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

**M.A. No. 583 of 2013**

**In**

**Application No. 104(T<sub>HC</sub>) of 2012**

**Smt. Neera Nayyar Vs. Union of India & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER  
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

**Present:** **Applicant:** Mr. Arvind Nayyar, Advocate  
**Respondent No. 1:** Mr. Vikramjeet, Advocate for Ms. Neelam Rathore, Advocate  
**Respondent Nos. 2 & 3:** Mr. Rajul Shrivastava, Advocate  
Mr. Parivesh Singh and R. Satish Kumar, Advocate for Noticee No. 7  
Mr. J. Akhtar for P.K. Sharma, Advocate for Noticee No. 13 and 14  
Mr. Mohit Singh, Advocate and Mr. Arjun Singh, Advocate Noticee No. 17  
Mr. Aagney Sail, Advocate Noticee No. 12, 20, 21, 22 & 23  
Mr. Pratap Singh, Advocate Noticee No. 6  
Mr. H.N. Mishra, Advocate for Noticee No. 9&10

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 2 July 24, 2013</b>	<p><b><u>M.A. No. 483 of 2013</u></b></p> <p>This Misc. Application is allowed subject to just exception.</p> <p>Document annexed with this Application are permitted to be taken on record.</p> <p>Accordingly, the Application stands disposed of.</p> <p><b><u>Application No. 104(T<sub>HC</sub>) of 2012</u></b></p> <p>All Noticees except Nos. 11, 19 and 25 have been served.</p> <p>Notices issued to Noticees Nos. 11, 19 and 25 returned unserved.</p> <p>Let the Madhya Pradesh Pollution Control Board (MP PCB) furnish correct addresses of these Noticees within one week from today.</p> <p>The Registry shall issue Notices to these 3 Factories i.e. M/s Sheet Kendra Kailakar, M/s Nand Baba Dugh Sanklan and M/s Dhakad Ice Factory by registered post/acknowledgement due.</p>

Notice returnable on 26<sup>th</sup> August, 2013.

The MP PCB shall also serve directly Notices on these concerns requiring them to appear on the next date of hearing.

All other Respondents/ Noticees who have not filed their respective reply should now positively file their Replies within two weeks from today.

Let Notice be issued to M/s Chaman Ice Factory and cold storage and M/s Guru Nanak Ice Factory and Cold Storage at Jabalpur.

The Registry shall issue Notices to the addresses furnished in the Misc. Application. The MP PCB shall also serve Notices to these concerns to be present on the next date of hearing.

Having heard Learned counsel appearing for the Applicant, we vary the stay Order passed by the High Court to the extent that the Applicant within one week from today should file before the MP PCB complete reply along with the plan with regard to existing working of the Unit as well as file the proposal for change of technology from use of Ammonia gas to Furan, if the Applicant so desires.

If the Reply have already been filed, let later part of the conditions be complied with within one week from today and MP PCB shall take a view on the entire matter and pass appropriate Order within two weeks thereafter in accordance with law.

List on 26<sup>th</sup> August, 2013 for further considerations.

In the meanwhile, if the Applications have been filed before the Tribunal by the Factory owners for consent to change of technology, particularly for substitution of Ammonia Gas with Furon, the same be considered by MP PCB before the next date of hearing and Order passed in accordance with law.

.....,CP  
(Swatanter Kumar)

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

.....,JM  
(S.N. Hussain)

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

.....,EM  
(Ranjan Chatterjee)

