

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

**Appeal No. 12(T_{HC}) of 2013
And
Application No. 17(T_{HC}) of 2013
And
Application No. 32(T_{HC}) of 2013
In
Market Welfare Association Vs. District Magistrate & Ors.
And
Fashion Market Welfare Association
Vs.
District Magistrate, SAS Nagar & Ors.
And
Sadhu Singh & Ors. Vs. The Chief Administrator & Ors.**

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present: **Appellant:** Mr. Anil Soni, A.A.G, State of Punjab
In Appeal No. 17(T_{HC}) of 2013) Ishpuneet Singh, Advocate, Chandan
Deep Singh, Advocate,
Mr. P.N. Puri, Advocate

Respondent No.3:
(in Appeal No. 12(T_{HC}) of 2013)
Respondent No.4:
(in Appeal No. 12(T_{HC}) of 2013 and
Appeal No. 17(T_{HC}) of 2013)
Respondent Nos. 7, 8, 9 & 17
(Appeal No. 32(T_{HC}) of 2013)

Respondent No. 1
(Appeal No. 32(T_{HC}) of 2013)
in Appeal No. 12(T_{HC}) of 2013 and
In Appeal No. 17(T_{HC}) of 2013)

Ms. Gurinderjit, Advocate, Mr. A. R.
Takkar, Advocate, Ms. Samuya Jain,
Advocate
Ishpuneet Singh, Advocate, Chandan
Deep Singh, Advocate,

Mr. Ranjit Sharma, For Greater Mohali
Area Development Authority with Mr.
Binayk Das, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 8 to 10 May 24, 2013	<p>It has been contended at the Bar that despite order of the Tribunal the DG sets both branded and even local made which are causing pollution are still operating all over the market in Phase – I as well as Phase – II.</p> <p>Learned counsel appearing for the Pollution Control Board further states that the administration has not been able to provide adequate assistance, Police and other Officers to ensure the implementation of the order of the Tribunal.</p> <p>It is undisputed that the DG sets which are emanating smoke that contains pollutants at higher level as compared to prescribed norms cause serious environmental and health problems. We see no reasons as to why the administration should not provide adequate help and aid to the Pollution Control Board to ensure that the Order of the Tribunal is implemented.</p>

Order shall be thus executed by the District Magistrate Mohali, SSP, Mohali and the Officers of the Pollution Control Board who shall be provided with full assistance, and they shall inform us as to which DG sets are causing pollution and are operating without the consent of the Board. Such DG sets shall be shut down and even if necessary shall be seized by the inspecting team. We make it clear that all these said Officers shall be personally responsible for carrying out of the directions issued by the Tribunal.

Besides this it has been brought to our notice that the list of shop-cum-office, who are violators of the Order of the Tribunal and are emanating smoke in violation of the prescribed values have also flouted the order of the Tribunal. Besides air pollution, there is serious noise pollution as well. List of such violators, nearly 99 shops-cum-office, has been provided to us. Let Notices be issued to these shops/occupants thereof as to why actions under the provision of the NGT Act should not be taken against them for violating the order of the Tribunal and they punished in accordance with law.

Pollution Control Board shall issue Notice to the parties requiring them to appear before the next date of hearing.

Some of the members of the Market Association inform us that there are some other members, who are using DG sets which are not manufactured by duly authorized persons, but are not causing air or noise pollution. Let such Units move the Applications for consent to operate DG sets in prescribed format before the Pollution Control Board within one week from today. If such Applications are moved in the prescribed format the same shall be disposed of by the Board expeditiously.

We keep it open for the Market Association to approach the above Committee of DM, SSP and Member Secretary of the Pollution Control Board for installation and working of such joint generators which will operate with the consent of the Board and which would satisfy the prescribed parameters of emissions.

List this matter for further hearing on 23rd July,

2013.

.....,CP
(Swatanter Kumar)

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

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

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

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

