

**BEFORE THE PRINCIPAL BENCH  
NATIONAL GREEN TRIBUNAL  
NEW DELHI  
CIRCUIT BENCH AT SHIMLA  
CWPIL No. 28 of 2011**

**Abhishek Rai Vs. State of HP & Ors.**

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

<b>Present:</b>	<b>Petitioner:</b>	<b>Mr. Bimal Gupta, Advocate</b>
	<b>Respondent No.1:</b>	<b>Mr. Virender Chouhan, Mr. Anoop Rattan, Mr. P.M. Negi, Add. Adv. Along with Mr. R.M. Bisht and Vivek Attri.</b>
	<b>Respondent No.4:</b>	<b>Mr. T.S. Chetan, Advocate</b>
	<b>Respondent No.5:</b>	<b>Mr. Naveen k. Bhedag, Advocate</b>
	<b>Respondent No.6:</b>	<b>Mr. S.C. Sharma</b>

Date and Remarks	Orders of the Tribunal
Item No. 4 July 29, 2013	<p>This case has been received on transfer from the Hon'ble High Court of Himachal Pradesh.</p> <p>The Applicant had written letter to the High Court of Himachal Pradesh praying for checking, preventing and controlling, direct and indirect pollution to the river Beas and its tributaries.</p> <p>After hearing the learned counsel appearing for the parties at some length, it has become necessary for the Tribunal to implead the Nagar Panchayat, Bhuntar as party respondent to this Petition M/s Enviro Engineers, Shimla is also impleaded as party-Respondents.</p> <p>The concern of pollution caused to river Beas and its tributaries through dumping of the Municipal Solid waste and release of untreated sewage without any compunction into the river has become a serious problem</p> <p>Learned Amicus Curiae has placed on record today the photographs taken on 23<sup>rd</sup> June, 2013 showing trolley of full of municipal solid waste taken into the river and directly dumped there. The photographs also find support from a newspaper report published in the issue of Punjab Kesari dated 11<sup>th</sup> July, 2013 with identical photograph and it was stated that the Orders of the High Court were violated.</p> <p>The Applicant had tried to make an enquiry in this</p>

regard but they could not get clear information as to whom this trolley belonged to but could know that the work of handling MSW was under the supervision of Nagar Panchayat, Bhuntar or Market Committee, Bhuntar.

Thus, the Market Committee, Bhuntar is also ordered to be impleaded as Respondent to this Petition.

Learned counsel appearing for the State and the respective Councils submit that the Municipal Councils are trying to do their best to treat the municipal solid waste and the sewage is being treated before being finally discharged into the river.

Whatever be the state of the affairs, the fact remains that river Beas and its tributaries are being polluted seriously and it is bound to cause serious environmental impact result in health hazards. It is an undisputed fact which the Tribunal would take judicial Notice of that in these areas river water is directly consumed by the people especially by the people who are living on the banks of the river. Polluting the rivers would be a very serious matter with which all authorities should be concerned, and should show adequate concern, and remedy the wrongs.

In the above backdrop, we pass the following Orders/directions:-

- a) We hereby restrain all Corporations/ Councils/ Authorities/ Persons / Bodies from throwing any municipal waste directly or indirectly into the river Beas or its tributaries. We further restrain such Bodies and persons from discharging any untreated effluents or untreated sewage.
- b) We issue notice to the Secretary, Nagar Panchayat, Bhuntar, and the Secretary, Marketing Committee, Bhuntar to show cause as to why appropriate action in terms of Section 26 of the National Green Tribunal, Act 2010 and provisions of the Contempt of Court Act be not initiated against them and they be not punished in accordance with law.

We further direct the Chairman of the Pollution Control Board of the Himachal Pradesh to depute a senior Officer of the Board who shall be accompanied by a representative of the rank of Environmental Engineer from CPCB to collect samples from each of the 4 STPs, stated to have been established (3 by Municipal Council of Kullu and 1 by Municipal Council of Manali).

This Committee shall also inspect and examine whether all the Hotels standing on the river bank of Beas and its tributaries have clearance from the Pollution Control Board of Himachal Pradesh and other competent authorities and where they are discharging their respective waste including sewage.

We also direct Secretary of Irrigation Department, H.P. to nominate a very senior officer to be part of this Committee who shall report to this Tribunal, as to what is the status of the constructions that have been raised on the flood plains of river Beas and progress thereof, if any.

For compliance of this order, the Deputy Commissioner and Superintending Police of Kullu and the Executive Officers of the respective Municipal Councils shall personally ensure that the directions issued by the Tribunal are carried out in their true spirit and substance and without default. We make it clear that in the event of default, the Tribunal shall be compelled to take appropriate action against these Officials without any further Notice.

We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste, untreated sewage, effluent or other material/construction material into the river Beas. Whosoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs.1.00 lakh as compensation for causing pollution on the basis of the 'polluter pays principle' and we accordingly direct the authorities concerned to notify the direction passed in this order for knowledge and compliance of the public at large.



Report should be filed one week in advance to the next date of hearing.

List on 17th September, 2013.

.....,CP  
(Swatanter Kumar)

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

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

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

.....,EM  
(Ranjan Chatterjee)

