

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

Original Application No. 36 of 2013

Rajiv Narayan Vs. Union of India & Ors.

IN THE MATTER OF :

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| M.A No. 211/2013 | : Wel Cast Engineering |
| M.A No. 213/2013 | : Shree Ram |
| M.A No. 215/2013 | : Sara Exports Ltd |
| M.A No. 216/2013 | : Para Product (P) Ltd. |
| M.A No. 217/2013 | : Rachna Metal Pvt. Ltd. |
| M.A No. 218/2013 | : Chemopulp Tissues Ltd. |
| M.A No. 219/2013 | : Ved Ram & Sons – now VRS foods ltd. |
| M.A No. 220/2013 | : Ved Ram & Sons |
| M.A No. 222/2013 | : Goel Canvas Pvt. Ltd. |
| M.A No. 223/2013 | : Singhal Pawlins Industries |
| M.A No. 224/2013 | : WPIL Ltd. |
| M.A No. 225/2013 | : Ajay Industries Corp. ltd. |
| M.A No. 226/2013 | : Magnum Ventin Ltd. |
| M.A No. 227/2013 | : Neha Colour Concept |
| M.A No. 228/2013 | : M/s Bharat Electronic Ltd. |
| M.A No. 229/2013 | : Nerat Enterprises |
| M.A No. 230/2013 | : MSD Dye tex pvt. Ltd. |
| M.A No. 231/2013 | : Paras Dyeing Industries |
| M.A No. 232/2013 | : Madui Textiles Prills Pvt. Ltd. |
| M.A No. 233/2013 | : Prem Processors |
| M.A No. 234/2013 | : Tanzeem Dyeing |
| M.A No. 235/2013 | : D.S. Dyeing & Garments |
| M.A No. 236/2013 | : Laxmi Dyeing |
| M.A No. 237/2013 | : N.G. Tex Print Pvt. Ltd. |
| M.A No. 238/2013 | : FAB CARE |
| M.A No. 239/2013 | : Vidhi Venture |
| M.A No. 240/2013 | : Right West Garments Processing Company Pvt. Ltd. |
| M.A No. 241/2013 | : Krishna Washing Services |
| M.A No. 242/2013 | : Neelam Tex Print |

M.A No. 243/2013 : N.G. Textiles
M.A No. 244/2013 : Unichem Laboratories
M.A No. 245/2013 : Krishna Prints Pvt. Ltd
M.A No. 246/2013 : Albert David Ltd.
M.A No. 247/2013 : M/s Aptech Pvt. Ltd.
M.A No. 248/2013 : M/s Shivam Engineering & Fabricators
M.A No. 249/2013 : Flowmore Ltd.
M.A No. 250/2013 : Easter India Chemicals Ltd
M.A No. 251/2013 : Manav Breaveries Pvt. Ltd.
M.A No. 252/2013 : M/s Amko Exports
M.A No. 253/2013 : M/s Aggarwal Galvanining
M.A No. 254/2013 : Kavita Overseas Pvt. Ltd.
M.A No. 255/2013 : M/s Karamchand Rubber Industries Pvt. Ltd.

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

Present: Applicant in main appeal: Mr. Raj Panjwani, Sr. Advocate along with Mr. Rahul Chaoudhary, Advocate
Mr. Bharat Singh Sisodia, Advocate for M.A. No. 211 of 2013
Ms. Pyoli, Advocate for M.A. No. 224/2013 & M.A. No. 546/2013
Ms. Anisha Upadhyay, Advocate for M.A. No. 225/2013
Ms. Mukta Sharma, Advocate for M.A. No. 213/2013
Mr. Pawan Upadhyay, Advocate for M.A. No. 243/2013 & 242/2013
Mr. L.K. Sharma, Advocate for M.A. No. 230/2013 to 233/2013 and 236/2013 and 237/2013
Mr. S.A. Zaida Advocate in M.A. Nos. 244 to 255
Respondent No.1: Ms. Neelam Rathore, Advocate
Respondent No.2: Mr. Pradeep Misra, Advocate
Respondent No.3: Ms. Alpana Poddar, Advocate

| Date and Remarks | Orders of the Tribunal |
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| Item No. 16 July 2, 2013 | <p><u>M.A. No. 211 of 2013</u></p> <p>Learned counsel appearing for Uttar Pradesh Pollution Control Board submits that the Applicant has been given consent under the Water as well as Air Act. Further it is submitted that this industry is drawing underground water for limited purposes and the metre in that behalf has already been fixed. No further compliance is required to be done by this industry.</p> <p>In view of the statement made above this Application stands disposed of. The Applicant is permitted to carry on its activity in accordance with law.</p> |

Accordingly, this Application stands disposed of.

M.A. No. 213 of 2013

Learned counsel appearing for Uttar Pradesh Pollution Control Board submits that the Applicant has been given consent under the Water as well as Air Act. Further it is submitted that this industry is drawing underground water for limited. The metre in that behalf has already been fixed; no further compliance is required to be done by this industry.

In view of the statement made above this Application stand disposed of. The Applicant is permitted to carry on its activity in accordance with law.

Accordingly, this Application stands disposed of.

M.A. No. 215 of 2013

Learned counsel appearing for Uttar Pradesh Pollution Control Board submits that this industry has been granted consent under Water and Air Act. However, authorization for hazardous waste is pending before the Board as of today.

It is further stated that they are consuming 66 KLD underground water per day and despite the directions of the Board they have still not installed the requisite metre.

This industry is permitted to operate subject to the following conditions:-

1. They get authorization for dealing with hazardous waste from the Board within three weeks from today. Board shall dispose of such Application within the stipulated period.
2. The Applicant shall install the required water metre as per the directives given by the Board.

In the event of default in compliance of all these steps within three weeks, this industry be directed to be closed down by the Board.

It is also pointed out that the Joint Inspection Team has upon inspection visit found that the industry is not able to attain the requisite BOD standards in its ETP and is presently exceeding the same. This also be corrected within three weeks.

If all these terms are not satisfied within three weeks, the industry shall be closed down by the Board.

Accordingly, this Application stands disposed of.

M.A. No. 216 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board this industry has obtained

consent under Air and Water Act, but it has not installed the metres for measuring its underground water consumption, which is 33 KLD per day and renewal of authorization for dealing with the hazardous waste is pending with the Board.

Let the industry fix the requisite metre within three weeks from today as well as obtain authorization from the Board, the Application for which shall be disposed of by the Board within the stipulated period aforeindicated.

If needful is not done within three weeks from today the industry shall be directed to be closed down by the Board.

Accordingly, this Application stands disposed of.

M.A. No. 217 of 2013

Learned counsel appearing for Uttar Pradesh Pollution Control Board submits that:-

1. This industry has obtained the consent under Water and Air Act.
2. They are consuming 44 KLD underground water per day for which they have not installed the metres.
3. The Application for issuance of authorization for dealing with the hazardous waste is pending with the Board.
4. The DG sets of 800 & 500 KVA have been installed without any acoustics enclosures thereof in the premises.

Let the above conditions be complied within three weeks from today and the Board shall also dispose of the Application for issuance of authorization that is pending with the Board.

In the event of default in compliance of all these steps within three weeks, this industry is directed to be closed down by the Board.

Accordingly, this Application stands disposed of.

M.A. No. 218 of 2013

Learned counsel appearing for Uttar Pradesh Pollution Control Board submits that this industry is complying with the provisions and they are not required to fulfill any further directions of the Board.

In view of the above, this Application is allowed and the industry can carry on its manufacturing activity in accordance with law.

Accordingly, this Application stands disposed of.

M.A. No. 219 of 2013

Learned counsel appearing for Uttar Pradesh Pollution Control Board submits that:-

1. This industry is using 450 KLD underground water per day and has not fixed requisite metres as per directions of the Board.
2. The Applicant industry is also using DG sets of 380 KVA & 700 KVA without any acoustic enclosures.

Let this industry comply with the above conditions within three weeks from today.

In the event of default, this industry is directed to be closed down by the Board.

Accordingly, this Application stands disposed of.

M.A. No. 220 of 2013

Learned counsel appearing for Uttar Pradesh Pollution Control Board submits that:-

1. This industry is using 1200 KLD underground water per day and has not fixed requisite metres as per directions of the Board.
2. The Applicant industry is also using two DG sets of 1000 KVA each without any acoustic enclosures.

Let this industry comply with the above conditions within three weeks from today.

In the event of default, this industry is directed to be closed down by the Board.

Accordingly, this Application stands disposed of.

M.A. No. 222 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board it is stated that no stipulation and/or directives as issued by the Board are required to be fulfilled by this industry.

In view of the above, this Application is allowed and the industry can carry on its manufacturing activity in accordance with law.

Accordingly, this Application stands disposed of.

M.A. No. 223 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. This industry is using 5 KLD underground water per day and has not installed the requisite metres as per directions of the Board.
2. The Applicant industry is also using two DG sets of 30 KVA each without any acoustic enclosures.
3. The Application for issuance of authorization for dealing with the hazardous waste is pending with the Board.

Let this industry comply with the above conditions within three weeks from today.

In the event of default, this industry is directed to be closed down by the Board.

Accordingly, this Application stands disposed of.

M.A. No. 224 of 2013

Learned counsel appearing for Uttar Pradesh Pollution Control Board submits that this industry has closed its business of Steel manufacturing and is now producing pumps from moulded steel, and for that purpose they have now installed the induction furnace and that they have already applied to obtain the consent of the Board under the relevant clause, which is pending.

Let the Board decide this Application within four weeks from today as prayed. Till the consent is granted the Applicant shall not operate induction furnace.

Accordingly, with the above observations this Application stands disposed of.

M.A. No. 225 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board it is stated that:-

1. This industry is using 60 KLD underground water per day and has not installed the requisite metres as per directions of the Board.
2. They are also using two DG sets of 250 KVA and 125 KVA without any acoustic enclosures.
3. The Application for issuance of authorization for dealing

with the hazardous waste is pending with the Board.

Learned counsel appearing for the Applicant submits that metres have been installed.

The officials of the Pollution Control Board shall inspect the Unit within three weeks from today and if the conditions are found to be satisfactorily complied with, the industry would be permitted to carry on its activity in accordance with law.

Accordingly, this Application stands disposed of.

M.A. No. 226 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board this industry is not required to fulfill any further directions of the Board.

In view of the above, this Application is allowed and the industry can carry on its manufacturing activity in accordance with law.

Accordingly, this Application stands disposed of.

M.A. No. 227 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using one DG set of 50 KVA without any acoustic enclosures.
2. Their Application for issuance of authorization for dealing with the hazardous waste is pending with the Board.

Let the Board deal with and dispose of this Application within three weeks from today. The Applicant would also install the provided enclosures as required within the same period.

If the needful is not done within the aforeindicated period, the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 228 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board this industry is not required to fulfill any further directions of the Board and is not a polluting industry.

In view of the above, this Application is allowed and the industry can carry on its manufacturing activity in accordance

with law.

Accordingly, this Application stands disposed of.

M.A. No. 229 of 2013

None appears for the Applicant.

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board it is stated that:-

1. The Applicant industry is operating by using one DG set of 125 KVA without any acoustic enclosures.
2. Their Application for issuance of authorization dealing with the hazardous waste is pending with the Board.

Let the Board deal with and dispose of this Application within three weeks from today. The Applicant would also install the acoustic enclosures as required within the same period.

If the needful is not done within the aforeindicated period the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 230 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using one DG set of 125 KVA without any acoustic enclosures.
2. Their Application for issuance of authorization for dealing with the hazardous waste is pending with the Board.

Let the Board deal with and dispose of this Application within three weeks from today. The Applicant would also install the acoustic enclosures as required within the same period.

If the needful is not done within the aforeindicated period, the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 231 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using DG sets of 62 KVA each without any acoustic enclosures.
2. Their Application for issuance of authorization for dealing with the hazardous waste is pending with the Board.

Let the Board deal with and dispose of this Application

within three weeks from today. The Applicant would also install the provided enclosures as required within the same period.

If the needful is not done within the aforeindicated period the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 232 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using one DG set of 62.5 KVA without any acoustic enclosures.
2. Their Application for issuance of authorization for dealing with the hazardous waste is pending with the Board.

Let the Board deal with and dispose of this Application within three weeks from today. The Applicant would also install the provided enclosures as required within the same period.

If the needful is not done within the aforeindicated period the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 233 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using DG sets of 62.5 KVA each without any acoustic enclosures.
2. Their Application for issuance of authorization for dealing with the hazardous waste is pending with the Board.

Let the Board deal with and dispose of this Application within three weeks from today. The Applicant would also install the acoustic enclosures as required within the same period.

If the needful is not done within the aforeindicated period, the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 234 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using one DG set of 30 KVA without any acoustic enclosures.
2. Their Application for issuance of authorization dealing

with the hazardous waste is pending with the Board.

Let the Board deal with and dispose of this Application within three weeks from today. The Applicant would also install the acoustic enclosures as required within the same period.

If the needful is not done within the aforeindicated period, the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 235 of 2013

Nobody is present on behalf of the Applicant.

In the interest of justice, further orders deferred.

List on 02nd August, 2013.

M.A. No. 236 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board, this industry is not required to fulfill any further directions of the Board and is not a polluting industry.

In view of the above, this Application is allowed and the industry can carry on its manufacturing activity in accordance with law.

Accordingly, this Application stands disposed of.

M.A. No. 237 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board it is stated that:-

1. This industry is using 125 KLD underground water per day and has not installed the requisite metres as per directions of the Board.

Let the same be provided if not already provided by the Applicant within three weeks from today.

The Board shall inspect this Industry within three weeks, and if directions have not been complied with by the Applicant, this industry is directed to be closed down by the Board.

Accordingly, this Application stands disposed of.

M.A. No. 238 of 2013

Nobody is present on behalf of the Applicant.
In the interest of justice, further orders deferred.
List on 02nd August, 2013.

M.A. No. 239 of 2013

Nobody is present on behalf of the Applicant.
In the interest of justice, further orders deferred.
List on 02nd August, 2013.

M.A. No. 240 of 2013

Nobody is present on behalf of the Applicant.
In the interest of justice, further orders deferred.
List on 02nd August, 2013.

M.A. No. 241 of 2013

Nobody is present on behalf of the Applicant.
In the interest of justice, further orders deferred.
List on 02nd August, 2013.

M.A. No. 242 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board, this industry is not required to fulfill any further directions of the Board and is not a polluting industry.

In view of the above, this Application is allowed and the industry can carry on its manufacturing activity in accordance with law.

Accordingly, this Application stands disposed of.

M.A. No. 243 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board, this industry is not required to fulfill any further directions of the Board and is not a polluting industry.

In view of the above, this Application is allowed and the

industry can carry on its manufacturing activity in accordance with law.

Accordingly, this Application stands disposed of.

M.A. No. 244 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board it is stated that:-

1. The Applicant industry is operating by using two DG sets of 750 KVA and 180 KVA without any acoustic enclosures.

Learned counsel appearing for Applicant submit that they will do the needful within three weeks.

If the needful is not done within the aforeindicated period the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 245 of 2013

Nobody is present on behalf of the Applicant.

In the interest of justice, further orders deferred.

List on 05th August, 2013.

M.A. No. 246 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using six DG sets of 500 KVA each without any acoustic enclosures.

Learned counsel appearing for Applicant that they will do the needful within three weeks.

If the needful is not done within the aforeindicated period the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 247 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using DG set of 125 KVA without any acoustic enclosures.

Learned counsel appearing for Applicant that they will do the needful within three weeks.

If the needful is not done within the aforeindicated period the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 248 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using DG set of 63 KVA without any acoustic enclosures.

Learned counsel appearing for Applicant that they will do the needful within three weeks.

If the needful is not done within the aforeindicated period, the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 249 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board, this industry is not required to fulfill any further directions of the Board and is not a polluting industry.

In view of the above, this Application is allowed and the industry can carry on its manufacturing activity in accordance with law.

Accordingly, this Application stands disposed of.

M.A. No. 250 of 2013

List on 05th August, 2013 for further directions.

M.A. No. 251 of 2013

It is stated that this industry is lying closed since September, 2012.

Learned counsel appearing for Applicant confirms that the industry is not operating and will not operate without the proper consent of the Pollution Control Board in accordance with the law.

In view of the above statement, this Application stands disposed of and the parties shall abide by their statements.

M.A. No. 252 of 2013

Let the acoustic enclosure be provided within three weeks from today, if the needful is not provided within the stipulated period. The Industry shall be ordered to be closed by the Board.

Accordingly, this Application stands disposed of.

M.A. No. 253 of 2013

Let the acoustic enclosure be provided within three weeks from today, if the needful is not provided within the stipulated period. The Industry shall be ordered to be closed by the Board.

Accordingly, this Application stands disposed of.

M.A. No. 254 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board:-

1. The Applicant industry is operating by using two DG set of 25 KVA each without any acoustic enclosures.
2. They are consuming the 2.0 to 3.0 KLD groundwater per day.

Learned counsel appearing for Applicant submit that they will do the needful within three weeks.

If the needful is not done within the aforeindicated period, the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

M.A. No. 255 of 2013

According to the Learned counsel appearing for Uttar Pradesh Pollution Control Board it is stated that:-

1. The Applicant industry is operating by using two DG sets of 125 KVA each without any acoustic enclosures.
2. They are consuming the 116 KLD groundwater per day.

Learned counsel appearing for Applicant submit that they will do the needful within three weeks.

If the needful is not done within the aforeindicated period, the Board shall close the Applicant industry.

Accordingly, this Application stands disposed of.

.....,CP
(Swatanter Kumar)

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

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

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

.....,EM
(Ranjan Chatterjee)

