

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

**M.A. No. 648 of 2013
In
Original Application No. 100 of 2013
And
M.A. No. 614 of 2013
In
Original Application No. 86 of 2013
And
M.A. No. 627 of 2013
In
Original Application No. 99 of 2013**

IN THE MATTER OF:

**Jyoti Mishra & Ors. Vs. MoEF & Ors.
And
Rayons-Enlightening Humanity & Anr.
Vs.
MoEF & Ors.
And
Invertis University 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. ARGAWAL, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant (In Application No. 99 of 2013 Mr. Sanjay Parikh along with Mr. Rahul Choudhary
Applicant (In Application No. 100 of 2013 Mr. Pranab Prakash, Advocate for Mr. Abhimanue Shrestha, Advocate
Applicant (In Application No. 86 of 2013 Mr. Raj Panjwani, Sr. Advocate and Mr. Agney Sail, Advocate
Respondent No. 1 Ms. Neelam Rathore, Advocate along with Ms. Sayed Amber
(in Application no.99/2013, 100/ 2013 and 86/2013)
Respondent No. 2 Ms. Sauvitri Pandey, Advocate
(in Application no.99/2013, 100/ 2013 and 86/2013)
Respondent No. 3 Mr. Pradeep Misra, Advocate
(in Application no.99/2013, 100/ 2013 and 86/2013)
Respondent No. 4 Mr. Anil Nag, Advocate
(in application no. 86/2013)**

**Mr. Naveen Chawla
Local Commissioner
Amar Ujala (Bareilli), Editor in person
with Mr. P.R. Rajhans, Advocate**

Date and Remarks	Orders of the Tribunal
<p>Item No. 5 to 7 August 2013</p>	<p>M.A. No. 648 of 2013, M.A. No. 614 of 2013 and M.A. No. 627 of 2013 to be renumbered as Original Applications.</p> <p>We direct that in future the Applications which are not filed in a pending matter shall be treated as Original Application, which are falling under Section 14 of the National Green Tribunal Act, 2010 and/or are independent Applications which are filed by any of the parties in relation to decided matters.</p> <p>Let these Applications be also listed as Original Applications.</p> <p>Notice to Respondent No. 7 and 8.</p> <p>Learned counsel appearing for the Respondent No. 7 and 8 accepts Notice and pray for time to file Reply. Let the Reply be filed within two weeks as prayed. Rejoinder thereto if any, within one week thereafter. We make it clear that we will not grant any further time to either of the parties to complete the pleadings.</p> <p>Learned counsel appearing for the respective Applicants in the above matters point out and have even placed on record certain photographs to show that on 27th July, 2013 there has been dumping of the Municipal Solid Waste (Municipal Solid Waste (MSW)) at the National Highway -24 from Bareilly to Lucknow and it increased day by day and is causing great health hazards.</p> <p>Google image has been filed of these sites which shows atleast six different places on the highway where the Municipal Solid Waste (MSW) is being dumped without adopting any scientific measures and infact it is no site for dumping the MSW.</p> <p>Learned counsel appearing for the Respondent No. 8 (Amar Ujala) also prays for time to file Reply. The Editor of Daily Amar Ujala published at Bareilly submits that one Reporter, Mr. Sudhkark Shukla had interviewed the Mayor and had taken notes in his hand, and the Mayor had made the statement which had been reported in the issue of Amar Ujala dated 20th July, 2013. He produces a note book containing hand written notes made by Mr. Sudhaka Shukla of the interview, which he has brought today before the</p>

Tribunal and the same is taken on record.

He further states that on the basis of hand written notes made by the said Reporter the news item in question was published in the newspaper.

He further states that at no point of time till today they ever received any objections from the Mayor or the Mayor has voiced any protest in regard to publication of the said Report which itself exhibits that the report was correctly made. Let the hand written notes of the Reporter be placed on the file in a sealed cover.

Learned counsel appearing for the Respondent No. 7 and 8 submits that since Notice is received by these Respondents in terms of the previous Order their presence for today be exempted.

Let these Respondents be present on the next date of hearing.

Mr. Naveen Chawla, Advocate present in Court is appointed as Local Commissioner who shall visit Bareilly and report to the Tribunal on the following:-

- a) Whether the entire Municipal Solid Waste (MSW) from the National Highways have been removed or not;
- b) Whether the Municipal Solid Waste (MSW) is being presently dumped at the sites shown;
- c) Where the entire Municipal Solid Waste (MSW) of the City is being dumped and how it is being collected;
- d) What is the status of the site in question i.e. Rajao Parspur at National Highway - 24

The fees of the Learned Local Commissioner fixed at Rs. 25000/- to be shared equally by the parties in addition to the expenses.

Learned counsel appearing for the Corporation shall make all arrangements of the Local Commissioner to visit the site and provide him conveyance and necessary accommodation for living at Bareilly. The Local Commissioner is at liberty to videograph and/or photograph the proceedings as he deems fit and proper.

Learned local commissioner shall visit the site tomorrow at 2.00PM and is not required to give any Notice to the Parties as the order is being passed in their presence.

We direct that one Officer of the Corporation and One representative of the Applicants will assist the Local Commissioner with regard to the identification of the sites. All the authorities concerned are hereby directed to fully cooperate with the local commissioner to ensure that the commission is executed without difficulty and delay.

Copy of this Order be given Dasti to the parties and the local commissioner.

Stand over to 30th August, 2013.

.....,CP
(Swatanter Kumar)

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

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

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

.....,EM
(Ranjan Chatterjee)

