BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

R.A. No. 13 of 2015 Original Application No. 35 of 2015 (M.A. No. 613/2015)

IN THE MATTER OF:-

M/s D.S.M. Sugar Distillery Division, Asmoli Vs. Shailesh Singh & Ors.

HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER

HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER HON'BLE DR. A.A. DESHPANDE, EXPERT MEMBER

Applicant: **Present:** Mr. A.A. Aron, Adv.

Respondent No.1:

Mr. Shailesh Singh, Adv.
Mr. Pradeep Misra & Mr. Daleep Kr Dhyani, Adv. Respondent No.2: Respondent No.3: Mr. Raj Kumar, Adv & Mr. S.L Gundli, SLO Respondent No.5&6: Ms. Savitri Pandey and Ms. Azma Parveen,

Advs.

Date and Remarks Item No. 04 M.A. No. 613/2015 June 10, 2015 The applicant had annexed certain photogra	-
June 10, The applicant had annexed certain photogra	
1919	ınit
showing that the industry both sugar and distillery t	
are seriously polluting unit. Reply to this application	nas
been filed where partly it is denied that the photogra	ohs
do not relate to the premises of the unit and/or the wa	ste
being thrown by the unit. There is serious controve	rsy
raised in relation to the activity of the units, discharge	and
the extent of pollution which is caused. Learned Cour	ısel
appearing for the unit submits that there has been jo	oint
inspection and functioning of the industry has been for	ınd
to be in compliance of norms. This proposition is dispu	ted
by the Applicant. The learned Counsel appearing for	the
UPPCB submits that they had served notice upon	his
industry on 20.8.2014 where they were directed to ca	ose
the by-pass provided by the unit. In this circumstance	, it
is necessary for the Tribunal to have a correct fact	ual
matrix of the case before any order can be passed eit	her

permitting the industry to operate or should it be directed to take preventive and controlling measures in relation to the pollution first.

The unit is permitted to start its operation today and must attain its optimum capacity by Friday. The learned Local Commissioner shall pay visit to the site in question and prepare a comprehensive report as to the correctness of the photographs, where the unit discharge its effluents, what is the status, manner in which the fly ash or sludge is being stored, whether the photographs which show black liquor/spots at various parts around or inside the industry should be confirmed and all other matters directly or indirectly and the activity of the unit should be reported by the Local Commissioner.

The Officer of the UPPCB shall accompany the Learned Local Commissioner, the industry shall provide all assistance and co-operate in execution of the operation. Initially, fee of the learned Local Commissioner is fixed Rs. 30,000/- in addition to the expenses that he will incur. All facilities will be provided by the Company to the Local Commissioner.

The Applicant who has made these allegations against the industry is clearly warned that if upon inspection, the averments of the photographs are found to be false, he shall be liable to be proceeded against in accordance with law and would be liable to pay entire cost of the Local Commissioner.

The Applicant is granted permission to be present at the time of inspection. The commission shall be executed at 12.00 P.M. on Friday onwards.

List the matter on 15 th June, 2015.
,CP (Swatanter Kumar)
,JM (Dalip Singh)
,EM (Dr. D. K. Agrawal)
,EM (Dr. A.A. Deshpande)

