

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

Original Application No. 24/2014

Shiv Prasad V/s Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant / Appellant	:Mr. Sanjay Upadhyay, Adv. with Ms. Manisha Badoni, Adv.
Respondent No. 1	:Mr. Vikas Malhotra, Adv., Mr. M.P. Sahay, Adv.
Respondent Nos. 2&6	:Mr. Rahul Verma, Adv.
Respondent No. 3	:Ms. Manisha Agrawal, Adv. & Mr. S.L. Gundli, Sr. Law Officer
Respondent No. 4	:Mr. Mukesh Verma, Adv.
Respondent No. 5	:Mr. Aditya Singh Adv.
Respondent No. 7	:Mr. Daleep Kr. Dhayani, Adv. for Mr. Pradeep Misra, Adv.
Respondent Nos. 8 to 20 & 22 to 25	:Mr. Vivek Singh, Ms. Ritwika Nanda, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 8 September 16, 2014	<p>Heard. Perused.</p> <p>Working of the industrial units in Jasodhapur Industrial Area established by SIDCUL has been questioned on the ground of continuous pollution generated by the industries in form of toxic emissions and slag.</p> <p>In response to the notice issued to the Respondents particularly to State of Uttarakhand, CPCB, Uttarakhand State Pollution Control Board (UKSPCB), it has been revealed that UKSPCB had given consents to operate to 16 units among 18 industries in operation in the said area on condition of installing upgraded air pollution control devices such as wet scrubbers for controlling particulate emissions from stack and installation of electrical interlocking devices to regulate the working of the units vis-à-vis pollution control devices in order to ensure simultaneous operations of pollution control facility and processes in the units. The Central Pollution Control Board and UKSPCB revealed to us</p>

that the pollution levels for the area as well as stack emissions were within the parameters set-out by law.

However, with photographs the Applicant pointed out to us that there existed a gap between reality and the observations made by the CPCB. We, therefore, directed the SPCB to look into efficacy of air pollution control devices and electrical interlocking devices installed in the units in question and particularly to check all the said devices installed in the units.

It has been reported to us vide affidavit dated 10.09.2014 filed purportedly in compliance of the order dated 20.08.2014 that 18 industries mentioned therein have air pollution control devices and interlocking mechanism in place. However, a pertinent question which was posed by order dated 20.08.2014 regarding efficacy of those devices has remained unanswered. A revelation made in that regard would have certainly helped us in resolving the present controversy as regards the gap between the reality and the observations made from time to time.

The Applicant wishes to screen the videographic record before us in order to demonstrate how the industries continue to emit the obnoxious gases and dust. Learned Counsel appearing for the Applicant submits that the screening of the videographic record will obviate the need of any further argument. We at the first blush believe his words for the reason that videographic record has least human element involved. We, therefore, direct the Applicant to circulate the CDs of videographic record amongst the parties so that the parties, who are answerable in light of revelations made, would get sufficient opportunity not only to answer but also in all fairness get an

opportunity to take corrective steps needed to be taken in checking the pollution.

At this stage, our attention is drawn to the problem of slag. Learned Counsel appearing for the Respondent Nos. 8 to 21 and 23 to 25 i.e. 18 industries submits that the industries wish to place on record the year-wise data from beginning regarding the production done by each of the units, slag produced as a result thereof and disposal of the slag done by them from time to time and for that purpose they are moving the application. Let the application be tendered in the Registry and be numbered. Copies of the application with the relevant data be furnished to the Applicant. The Applicant has no objection for placing of such data on record but reserves his right to comment upon it. This application is allowed and thus stands disposed of.

We have before us affidavit dated 11.09.2014 filed on behalf of the Respondent Nos. 2 and 6 as well as the affidavit dated 13.09.2014 filed on behalf of the Superintendent of Police, Pauri, Garhwal. The affidavits are replicas of each other except that the affidavit of District Magistrate has some photographs annexed to it. Reference to seven places has been made in the said affidavits as the places from which the slag was removed. It is revealed that the slag was removed completely from the Sigaddi river or the river bed and has been stored in the nearby area. It is true that some of the areas mentioned therein are far away from the Sigaddi river or the river bed. However, what is that 'nearby' area near the Sigaddi river bed is not clearly understood either from the affidavit or from the photographs. Location of slag is important as

there is every likelihood of the slag stored again getting spilled over in the Sigaddi river or the river bed either due to the human interference or due to the vagaries of weather.

Learned Counsel appearing for the State and District Magistrate submitted that he will have to take instructions as to bring on record the description of areas where the slag removed has been stored particularly with reference to the distance from the Sigaddi river or river bed. He seeks time to file a pointed affidavit disclosing the relevant facts.

Presently, the question of slag may appear to have been resolved but a larger issue remains as to its ultimate disposal and complete restoration of the entire Sigaddi river or the river bed. According to the Applicant, these are few places amongst 100 such places along the Sigaddi river side where the slag had been dumped indiscriminately. We direct the Applicant to point-out such places to the District Magistrate.

We are told that the slag can be utilized for road construction or land filling as well as brick making. Learned Counsel appearing for the industries submits that they have also plans for raising brick manufacturing unit with the use of slag generated by them. Presently, he submits that there is demand from the National Highway Authority for such slag.

In light of these submissions, we direct the District Magistrate to prepare a restoration plan for restoring the Sigaddi river or river bed to its pristine condition on removal of slag and such other like hazardous material lying in or along her bed. The District Magistrate shall take inputs from the industrial units, Applicants, UKSPCB, National Highway Authority, State Urban Development

Department and SIDCUL for preparation of such restoration plan. The restoration plan shall include removal of the slag from the river, its proper storage and its beneficial utilization. Such restoration plan shall be placed before us within four weeks from today.

In the meanwhile, the UKSPCB, the SIDCUL and the industries shall go through the videographic record furnished by the Applicant and respond to it by the next date.

UKSPCB shall also explain as to what actions they had taken against the industries which were initially found operational without consent. The detailed data about the consent to establish and consent to operate granted in respect of 18 industries shall also be furnished before us on the next date.

List the matter on 28th October, 2014.

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

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

....., EM
(Ranjan Chatterjee)

