

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**M.A.No. 365/2014**

and

**Original Application No. 05/2014 (CZ)**

**Dr. Subhash C. Pandey Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Dr. Subhash C. Pandey  
Respondent No. 3: Shri Sandeep Singh, Adv.  
Respondent No. 4&5: Ms. Parul Bhadoria, Adv. for  
Shri Purushendra Kaurav, Adv.  
Respondent No.2, 6, 9 & 10: Shri Sachin K Verma, Adv.  
Respondent No. 7: Shri Rajendra Giri, Adv.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 4</b>  <b>1<sup>st</sup> August, 2014</b>	<p style="text-align: center;"><b><u>M.A.No. 365/2014</u></b></p> <p>Shri Sachin K.Verma appearing for the State has filed M.A.No. 365/2014 along with copies of the inspection report and prays that the same may be taken on record and compliance noted. The aforesaid prayer is allowed. M.A.No. 365/2014 is allowed. Copy of this M.A. alongwith documents have been furnished to the Learned Counsel for the PCB with the direction to verify the contents as mentioned in the application and the accompanying documents and submit an affidavit to that effect before the next date.</p> <p style="text-align: center;"><b><u>O.A.No. 05/2014</u></b></p> <p>Counsel for the MPPCB has submitted a status report with regard to the industries at the Mandideep Industrial Area. We find from Para 2 that 6 industries namely M/s Anand Industries, M/s Steel Innovation, M/s Integrated Infosys, Ms/ Shakti Televentures, M/s Tranwin Industries, M/s S.S.Bindra Flour Mill, despite notices having being issued for not having valid consent, are continuing their operations. The MPPCB shall immediately take steps for disconnection of electricity and water to the above 6 industries.</p>

Issue notices to the above 6 industries to appear before the Tribunal to show cause as to why action shall not be initiated against them.

One of the issues that was raised by the Applicant was in respect of damage/likelihood of damage that may occur as a result of pollution caused by the emissions and discharge at the Mandideep Industrial Area released by various industries and their effect on the Archaeological monuments/sites such as famous pre-historic rock shelters and paintings at Bhimbetka and Temple at Bhojpur. As per the guidelines issued by the MoEF, Government of India, while allowing siting of industries, the following factors shall be taken into account :

- Ecologically and/or otherwise sensitive areas Archaeological monuments/sites: at least 25 km; depending on the geo-climatic conditions the requisite distance shall have to be increased by the appropriate agency.
- Coastal areas: at least ½ km from High Tide Line.
- Flood Plain of the Riverine Systems: at least ½ km from flood plain or modified flood plain affected by dam in the upstream or by flood control system.
- Transport/communication System: at least ½ km from highway and railway.
- Major settlements (3,00,000 population): distance from settlements is difficult to maintain because of urban sprawl.

At the time of siting of the industry if any major settlement's notified limit is within 50 km. the spatial direction of growth of the settlement for at least decade must be assessed and the industry shall be sited at least 25 km from the projected growth boundary of the settlement.

It was submitted that as per the above, a distance of atleast 25 kms should be maintained from archaeological sites/monuments as well as from ecologically and otherwise sensitive areas which in the instant case as per the Applicant has not been done with regard to establishment of Mandideep Industrial Area.

It was further submitted that respondents be directed to place on record areas identified for further expansion as it was submitted that despite the aforesaid guidelines having been brought into force, new industries are being allowed to come up even in close proximity to the aforesaid sites in total disregard of the guidelines issued by the MoEF, Govt. of India.

We also find from the aforesaid guidelines that industrial areas are required to be located at a safer distance from major settlements.

We have already directed the respondents, particularly the Directorate of Town and Country Planning (T&CP) to submit as to what criteria has been adopted for allowing land use conversion as well as development of residential, commercial and industrial townships. In addition to our earlier order, the Directorate of Town and Country Planning shall also indicate whether they have taken into account the guidelines issued by the MoEF, Government of India while issuing such orders. They shall also produce a site plan indicating major and recent sites for which land use conversion orders have been passed in the past 10 years and the approximate distance both from the sites as mentioned in the areas to be avoided as well as major settlements. This is particularly necessary as it has been stated that at present for the town of Mandideep, there is no Master Plan and the existing Master Plan for the city of Bhopal was last prepared and valid up to the year 2005 but it is still in force and beyond the limits under the said master plan conversion orders and permissions are

being passed by the T&CP and the local bodies such as Panchayats, etc. within whose jurisdiction such development is taking place.

The Municipal Council, Mandideep and MPAKVN Ltd. are directed to carry out extensive planting of trees within their jurisdiction both in the municipal limits as well as in the industrial area of Mandideep during the current monsoon so as to minimise the effect of pollution. The plan and steps taken in this behalf so far shall be submitted before the next date.

List on **04.08.2014**.

.....JM  
(DALIP SINGH)

.....EM  
(P.S.RAO)

