

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

Suo Moto Application No. 290 of 2017

IN THE MATTER OF :

Court on its own Motion Vs. NCT, Delhi & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

Present:

Applicant
Amicus Curie : **Mr. I.K. Kapila, Adv.**
: **Mr. Sanjay Upadhyay, Mr. Eshan Chaturvedi and Mr. Salik Shafique**
: **Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, Central Pollution Control Board**

Respondent No.1. **Mr. Tarunvir Singh Khehar, Ms. Guneeet Khehar and Mr. Charanjeet Singh Adv.**

MoEF : **Mr. Mukul Singh, Adv.**
: **Mr. Anil Grover, AAG Haryana with Mr. Rahul Khurana & Sandeep Yadav, Adv. for State of Haryana, HSPCB.**
Mr. Rajiv Bansal, Sr. Adv. Mr. Kush Sharma, Adv., Mr. Anirudh Chadha, Adv. and Ms. Shantala Sankrit adv. for DDA.
Mr. Om Prakash, Railway Board, Ministry of Railways.
Mr. Pinaki Mishra, Sr. Adv., Mrs. Vanita Bhargava Adv, Ms. Abhisar Bairagi Adv. for Container Corp. Of India Ltd.
Mr. Rajesh Aggarwal and Mr. Mridul Aggarwal for M/s Crystal C rop. Protection Pvt. Ltd.

	Date and Remarks	Orders of the Tribunal
	Item No. 31 May 15, 2017	<p>On the joint request of the Learned Counsel appearing for the parties, we direct that the Custom Department to be impleaded as a party Respondent in this application. The Learned Counsel for the Custom Department, Ministry of Finance, New Delhi is present and he accepts notice.</p> <p>Having further hearing the Learned Counsels appearing for the parties, we pass the following directions:</p> <p>a) The Learned Counsel appearing for the various respondents pray for time to file replies to the show cause Notice. The Respondents who have not filed their replies, should do so within one week from</p>

today with advance copy to all the Learned Counsels appearing in the case. Liberty is given to the Applicant and Mr. I.K. Kapila, Amicus Curiae to file their response thereto, if any, before the next date of hearing.

b) We direct Dr. Y.K. Gupta, Head of Pharmacology Department, AIIMS to file a complete Report with regard to their visit on the site in question, as reported by the Hindustan Times wherein it had been reported that the resident of that area are sitting on a bombs with such chemicals being handled in the vicinity that, copy (4 copies) of that Report should be placed on file within one week from today. We would also request, if All India Institute could submit a supplementary Report, as to the persons particularly children who got effected from the leakage and whether they have suffered any serious health consequences.

c) The vehicle on which the container was loaded will not be released by the Police Authorities, except with the specific orders of this Tribunal. The vehicle and the container would remain attached in terms of Order 21 of the Code of Civil Procedure, 1908 read with Section 19 of the National Green Tribunal Act, 2010. Such attachment would be subject to further orders, as the Tribunal may pass.

d) We direct all the parties, particularly the official Respondents, Central Pollution Control Board and Ministry of Environment, Forest and Climate Change to file specific suggestions and to state

whether the substance in question is covered under the definition of Environmental laws as well as under Manufacturing, Storage and Import of Hazardous Chemical Rules, 1989.

e) The Ministry shall also make specific suggestions, including on the precautionary principle, whether any container carrying chemicals, hazardous substances should at all be permitted to come to Tuglakabad which is now situated in the heart of the city, as there are various residential colonies, offices and other places all around the site. Further, whether any vehicles carrying chemicals, hazardous substances or otherwise should be permitted to go to Tuglakabad at all and why the location of the depot should not be changed to an appropriate site.

f) The Ministry of Railways shall also put forward their response in this regard.

We may also notice that this is not only a source of hazards being caused to public health but it is a substantial environmental issue, in as much as, it generates large scale of dust which is a source of air pollution bringing down the ambient air quality in Delhi.

Let these detailed queries be answered by them within one week from today.

g) We also direct a Joint Inspection Team of Central Pollution Control Board, Haryana State Pollution Control Board and Department of Industry, Safety, Health of Haryana and Ministry of Environment, Forest and Climate Change to conduct an inspection

of the industry i.e. Crystal Group Protection Private Limited, the consignee in the present case. The Joint Inspection Team shall also collect the samples of the substance and analyse the same in relation to its contents and parameters, if any. Let the Report be submitted positively before the next date of hearing.

List this matter on 29th May, 2017.

.....,CP
(Swatanter Kumar)

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Bikram Singh Sajwan)

.....,EM
(Dr. Ajay A Deshpande)

