

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

M.A. No.16 of 2014 & M.A. No.368 of 2014

In

Original Application No.08 of 2014

IN THE MATTER OF:

Mahendra Pandey Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present:

Applicant:	Mr. Gaurav Kumar Bansal, Advocate
Respondent No. 1:	Mr. P.B. Singh, Advocate, Standing Counsel, MoEF & CC
Respondent No.3 to 6:	Mr. Sanjeev Ralli, , Aayush Janeja, Advocates and Mr. Dinesh Jindal, Law Officer for DPCC
Respondent No. 4:	Mr. Narender Hooda, Sr. Advocate and Mr. D.P. Singh, Advocate and Mr. Vineet Malik, Advocate for State of Haryana
Respondent No.7:	Ms. Purnima Maheswari, Advocate
Respondent No.12:	Mr. R.S. Dalal for SEIAA, Haryana Mr. D.N. Goburdhan, Advocate for NCRPB Mr. Ankur Chhibber and Mr. Prashant Sivarajan, Advocates for Sukhdev College Ms. Alpana Poddar, Advocate for CPCB

Date and Remarks	Orders of the Tribunal
Item No. 10 September 9, 2014	<p>We have heard the Learned Counsel appearing for the parties at some length. Original Application No. 8 of 2014 has been filed by the Applicant praying for cancellation of the Environmental Clearance granted after 13th January, 2010. According to the Applicant by Office Memorandum dated 13th January, 2010, the MoEF imposed temporary restrictions on consideration of development projects in critically polluted clusters / areas and No Environmental Clearance could be granted for projects in such critically polluted clusters / areas. M. A. No. 368 of 2014 has been filed by the Applicant praying that Environmental Clearance granted for construction of building complex for Shaheed Sukhdev College of Business Studies at PSP Area - IV, Sector - 16 and for the expansion of the Hindu College at Sudhir Bose Marg, University Enclave are in critically polluted cluster areas</p>

should be revoked. The common contention raised for this prayer is that both these projects are located at Najafgarh Drain Basin and in terms of the Office Memorandum dated 13th January, 2010 issued by the MoEF, this being a critically polluted area, Environmental Clearance ought not to have been granted.

The Applicant also relies upon the order of the Tribunal dated 5th February, 2014 passed in M. A. No. 16 of 2014 where it was directed that SEIAA should not grant EC for Project which are located at the Najafgarh Drain Basin.

The stand taken before us by the DPCC is that the O.M. dated 13th January, 2010 read with 15th March, 2010 is primarily intended to cover the industrial clusters or industrial areas where industrial activity is being carried out.

In the report itself it has been stated that the drawing/map of the area shown is to be treated as Najafgarh Drain Basin for industrial clusters/complex. According to the DPCC/SEIAA, both these projects do not fall within the scope of the Office Memorandum, as it is an independent project and as such Environment Clearance has been granted by the DPCC/SEIAA for carrying out these projects strictly in accordance with the recommendations.

There is no dispute to the fact that in the Environmental Clearance granted to the project vide order dated 29th April, 2014, various conditions have been imposed for ensuring compliance to the prescribed standards of environment and the establishment of STP etc. These orders are enforced and the authorities are ensuring that the conditions imposed under the consent

orders and the EC orders are strictly adhere to.

Reply supported by an Affidavit has been filed by the College stating therein that the STP plant as stipulated in the EC order dated 29th April, 2014 accorded by the SEIAA is to be set up and the entire waste water from the existing college as well as the new block that is under construction will be recycled and the Hindu College will have zero discharge from the premises. It is further stated that the College Committee has planned to build a 400 KLD STP on the campus which will thereby result zero waste water discharge into the Najafgarh drain and even the other colleges may gain as they would be provided with the treated water for the purpose of horticulture.

Having given our considered thoughts to the entire matter in controversy, it is clear that both these projects have been granted Environmental Clearance in accordance with the terms and conditions of the EIA Notification of 2006. Furthermore, the Applicant has failed to demonstrate before us that any environmental hazard is likely to result from these projects. On the contrary, it is evident that by establishment of the STP plant in the premises of the Project Proponents, there shall be zero discharge. It leads to twin apparent advantage. Firstly, there will be no discharge particularly of any pollutant into the Najafgarh drain and secondly it would generate treated water which would be fit for irrigation purpose and horticulture purpose and would save the ground water extraction as well. In the report placed on record by the Applicant himself in support of the Circular dated 13th January, 2010, it is evident that industrial pockets / areas have been stated which are discharging waste or other effluents which pollute directly the Najafgarh drain and

are resulting in serious pollution (At page No.142 of the Paper Book).

Keeping in view the stand taken by the MoEF as well as DPCC/SEIAA, we see no reason to interfere in the grant of Environmental Clearance and carrying of these projects by the Project Proponent, within the limited jurisdiction, i.e. vested in this Tribunal. Resultantly, we find no merit in this Application as well in M.A. 368 of 2014 and the same are dismissed, however, without any order as to costs.

We make it clear that DPCC and SEIAA shall ensure that the conditions imposed in the orders of consent and the orders granting Environmental Clearance are strictly adhered to and the projects are not permitted to operate till the conditions are fully and entirely complied with.

Original Application No.8 of 2014 :

As the main Application stands disposed the interim orders stands vacated.

M.A. No.16 of 2014:

As the main Application stands disposed of, this Application will not survive for consideration as dismissed as such.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

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

.....,EM
(Dr. R.C. Trivedi)