

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

Appeal No. 06/2017/EZ
Appeal No. 09/2017/EZ

Andaman Chamber of Commerce Industry & Ors.
Hotel Sentinel & Ors.

Vs.

The Andaman & Nicobar Administration

CORAM: Hon'ble Mr. Justice S.P. Wangdi, Judicial Member
Hon'ble Dr. Nagin Nanda, Expert Member

PRESENT: Appellants : None
Respondents No. 5 & 7 : Mr. Surendra Kumar, Advocate.
Other Respondents : None.

Date & Remarks	Orders of the Tribunal
Item Nos. 7&8 26 th April, 2018.	<p>Both the appeals are being taken up together as the questions involved are identical.</p> <p>None appears for the Appellants and the various authorities of the A&N Administration being Respondents No. 1 to 4, 6 & 8, although we find affidavits filed by them on the record.</p> <p>Mr. Surendra Kumar, Ld. Counsel for the A&N Pollution Control Committee, submits that the inspection as directed vide order dated 07.11.2017 had been conducted in respect of all the hotels operating in the A&N Islands, the report could not be filed for various reasons and prays for a week time to do so.</p>

He, however, informs that inspections conducted by them on 27.09.2017 reveal large scale non-compliance with regard to 84 hotels and resorts as well as 19 automobile service centres as they were found not to have functional STPs/ETPs which is mandatorily required to be installed under the relevant laws. As a consequence, the Member Secretary, A&N Pollution Control Committee had issued notices under Section 33(a) of the Water (Prevention & Control of Pollution) Act, 1974 upon them restraining them from undertaking their activities until such time functional STPs were installed and consent to operate obtained afresh in compliance of the order of the Hon'ble Supreme Court dated 22.02.2017 in WP(C) No. 375 of 2012 in the matter of **Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.**

Upon being asked on the further action taken in pursuance of the notices of closure issued by the A&N Pollution Control Committee, Mr. Surendra Kumar submits that he would require instructions but states

that none of the hotels had complied with the directions for instalment of STPs.

The eco-sensitiveness of the A&N Islands cannot be undermined or over emphasized. We have in the past also observed that the laws pertaining to the environment are not being strictly complied with in the A&N Islands. In this backdrop, we direct the Chief Secretary, A&N Administration, the Principal Secretary, Environment and Forest, A&N Islands and the Chairman and the Member Secretary, A&N Pollution Control Committee to comply with the following:-

- (i) The Pollution Control Committee to submit report on further action taken consequential to the notices of closure and the reported non-compliance of the closure orders;
- (ii) The Chief Secretary, A&N Administration and the Principal Secretary, Environment and Forest to submit a report on the discharge of effluent, waste water and municipal solid waste in the coastal areas.

They shall also file a report on the mitigation measures taken for protection of

the marine ecology, which would include the coral reefs and other vulnerable marine flora and fauna.

Reports as directed shall be filed before the next date.

We make it clear that if the A&N Pollution Control Committee fails to take strict action to make the hotels and industries in the Islands compliant of the pollution norms by exercising their statutory powers, appropriate order shall follow which may entail punitive measures. Let reports be filed without fail giving the details action taken by A&N Pollution Control Committee before the next date.

List on 13.07.2018.

Justice S.P. Wangdi, JM
26.04.2018

Dr.Nagin Nanda, EM
26-04-2018

