

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

**Original Application No. 39 of 2016
(M.A. No. 65 of 2016)**

Oxford Tanners Vs. Uttar Pradesh Pollution Control Board & Anr.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SONAM PHINTSO WANGDI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A. R. YOUSUF, EXPERT MEMBER

Present: **Applicant:** Mr. S.A. Zaidi and Mr. Gulnaz Praveen, Advs.
Respondent No.1: Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs.
Respondent No. 2: Mr. Rajkumar and Ms. Alpana Poddar, Advs.
Adn Mr. Bhupendra Kumar, LA
Mr. B.V. Nire, Adv. for CGWA

	Date and Remarks	Orders of the Tribunal
	Item No. 02 January 28, 2016 A	<p style="text-align: center;">Original Application No. 39 of 2016</p> <p>Notice</p> <p>Learned counsel appearing for the Respondents accept Notice and waive service.</p> <p>We have heard the Learned counsel appearing for the parties at some length. The only prayer in this Application is that the industry of the Applicant had been closed under the orders of the Tribunal. Thereafter it has taken effective steps to upgrade its anti pollution devices as well as taken other civil and mechanical works to ensure that it does not cause pollution. According to the Applicant it has been granted consent under air and water Acts till 31st December, 2015 and it applied for the renewal on 07th January, 2016 and it remained closed till then. The Unit is closed even as today.</p> <p>This is not a small Unit. It is a Unit which was granted consent to operate for 180 hides per day. Since,</p>

the Application for grant of consent to operate is pending with the Board and the Applicant prays that the Respondents be directed to conduct a joint inspection and deal with the Application expeditiously, we pass the following directions upon hearing the Learned counsel appearing for the parties, in the interest of environment invoking the precautionary principle:-

1. The joint inspection team of CPCB and UP Pollution Control Board shall conduct joint inspection in the presence of a Professor or other Senior Lecturer nominated by the Director of IIT Roorkee/IIT Kanpur/IIT Delhi/IIT (BHU) Varanasi. The entire inspection from the point of entry to exit and all other factors should be videographed, showing all the functioning, processing and the observations made by the inspection team during the course of inspection. It will be for the CPCB to pick up the expert from any of the above IITs, depending upon the location of the industry.
2. The trade effluent shall be collected by them from the inlet and the outlet of the CETP/PETP, from the point of discharge whether into drain or on land and being used for agriculture and irrigation (conveyer belt of the CETP and/or at other appropriate point which the team consider as appropriate).
3. The report interalia but specifically shall deal with the total consumption of water, effluent discharge and utilization of the effluent.
4. Number of hides purchased, processed and recorded in respect thereof. Whether the Unit has its own

Chromium recovery plant or not, capacity thereof and recovered material being disposed of, in what manner and through what agencies. The report should be complete and comprehensive in all respects with specific recommendations on all issues including whether the industry should be permitted to operate, as it is entirely compliant or non-polluting or not.

5. It should also specify the source of water.

6. The UP Pollution Control Board shall on the basis of the joint inspection conducted deal with the consent Application of the industry expeditiously. The industry would be permitted to operate for a period of two weeks commencing from Monday that is 01st February, 2016 after two weeks, the industry shall shut down its business, unless the report is found to be in favour of the industry. However, its continuation of operation shall be subject to the orders of the Tribunal.

This procedure of inspection shall be followed in all cases where we direct joint inspection of any industry, Unit and CETP.

We make it clear that if there are any apparent intentional deficiencies in the report then the Officer/s who had conducted inspection would be personally liable.

Accordingly, Original Application No. 39 of 2016 stands disposed of without any order as to costs.

M.A. No. 65 of 2015

This Application does not survive for consideration in view of the fact that the main Application itself stand disposed of.

Accordingly, M.A. No. 65 of 2015 stands disposed of without any order as to costs.

.....,CP
(Swatanter Kumar)

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

.....,JM
(Sonam Phintso Wangdi)

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

.....,EM
(Prof. A.R. Yousuf)

