

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

Original Application No. 164 of 2013

Pankaj Sharma Vs. MoEF & Anr.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

Applicant:	Ms. Sumedha Dua and Mr. Umang Joshi, Advocates
Respondent No. 1:	Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates
Respondent No. 2:	Mr. S.K. Pabbi and Ajay K. Singh, Advs. and Mr. D. Jindal, Law Officer
Respondent No. 3:	Mr. Balendu Shekhar and Vivek Jaiswal, Advs.
Respondent No. 3A:	Ms. Divya Pandey for Ms. Prabhsahay Kaur, Advs.
Respondent No. 5:	Ms. Nisha Kant Pandey, Adv.
Respondent No. 31:	Mr. Sanjay Gupta, Mr. Mudit Sharma and Mr. Lalit Bhasin, Advs.
Respondent No. 32&33:	Mr. Ajay Kr. Singh and Mr. Sanjeev Kumar, Mr. Surya Nath, Advs.
Respondent for DDA:	Mr. Arun K. Sharma with Mr. Varun Sharma, Advs.

Date and Remarks	Orders of the Tribunal								
<p>Item No. 2 September 19, 2014</p>	<p>Heard. Perused.</p> <p>We had appointed a Committee comprising of the following members to suggest measures to control/regulate water pollution & air pollution, Solid Waste, water conservation, sanitation & hygiene and to suggest methods for waste minimisation and better work practices, and to come up with the comprehensive report suggesting a scheme for orderly functioning of the Restaurants/Hotels in capital of India i.e. Delhi without causing pollution vide order dated 25.09.2013:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">1. Secretary Department of Environment Government of NCT of Delhi</td> <td style="width: 30%; text-align: right;">- Chairperson</td> </tr> <tr> <td>2. Member Secretary, CPCB.</td> <td style="text-align: right;">- Member</td> </tr> <tr> <td>3. A Representative of NDMC to be nominated by the NDMC (Not below the rank of Director)</td> <td style="text-align: right;">- Member</td> </tr> <tr> <td>4. A Representative of MCD to be nominated by the MCD in respect of each of the three Corporations. (Not below the rank of Director)</td> <td style="text-align: right;">- Member</td> </tr> </table>	1. Secretary Department of Environment Government of NCT of Delhi	- Chairperson	2. Member Secretary, CPCB.	- Member	3. A Representative of NDMC to be nominated by the NDMC (Not below the rank of Director)	- Member	4. A Representative of MCD to be nominated by the MCD in respect of each of the three Corporations. (Not below the rank of Director)	- Member
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5. A Representative of National Productivity - Member Council, New Delhi, who shall be nominated by the said Council.
(Not below the rank of Director)
6. A Representative of Central Ground Water Authority to be nominated by the said authority.
(Not below the rank of Director) - Member
7. A Representative of DDA to be nominated by the DDA.
(Not below the rank of Director) - Member
8. A representative of Delhi Police
(Not below the rank of Dy. Commissioner) - Member
9. Member Secretary of DPCC who shall act as a member as well as member convenor of the said Committee.

On 08.01.2014, we took cognizance of the report dated 07.01.2014 filed by the Committee and directed the DPCC to publish a summary of the report in two leading newspapers so as to enable all the Restaurant/Hotel owners in NCT of Delhi to know about it and invite their objections to the said report before the Tribunal. Accordingly, the objections/suggestions have been received.

Learned Counsel appearing for the Applicant submitted the objections/suggestions are required to be considered by us for the reason that the final outcome would be delayed if referred back to the Committee for appraisal of objections/suggestions. Learned Counsel appearing for the Respondent No. 31 (National Restaurant Association of India) submitted that there are worthy suggestions also made along with the objections which need to be considered by the Committee through experts viewpoint before the report of the Committee is vetted by this Tribunal and orders passed for formulating the regulations.

Perusal of the order dated 25.09.2013 reveals that the appointment of the Committee was done in order to have the

study of the entire problem arising out of the functioning of the Restaurants/Hotels in Delhi through the eyes of various administrative/regulatory authorities and also the Experts in the field so that a worthy scheme which would regulate the functioning of the Restaurants/Hotels in a proper manner without causing pollution can be arrived at. Order also reveals that the Committee was directed to apply its mind to the issues of water pollution & air pollution, Solid Waste Management, water conservation, sanitation & hygiene, waste minimisation and better work practices vis-à-vis functioning of Restaurant/Hotels in Delhi as suggested through the specific terms of reference. This was done to take assistance of the Experts in field on specialized issues before a judicial view is taken to order the authorities for formulation of a regulatory scheme.

It would, therefore, be worthwhile for the Committee to apply its mind to the objections/suggestions in relation to the specialized issues referred to in terms of reference and to further modulate, if necessary, the scheme suggested and give its final report regarding the scheme.

We, therefore, direct the Committee appointed by the order dated 25.09.2013 to apply its mind to the objections/suggestions received by the Tribunal in respect of their report dated 07.01.2014, hear all the parties including Applicant herein and forward to this Tribunal its final report in light of the submissions made by the parties. Such report shall be filed by the Committee on or before 15.11.2014. Parties to appear before the Committee on 10.10.2014.

Registry to communicate this order to the Member Secretary of the DPCC Member-Convenor of the said

Committee.

The Member Convenor of the said Committee shall decide the time and venue of the sitting of the Committee and inform the parties accordingly.

Copies of the objections/suggestions received by the Tribunal shall be sent to the Member-Convenor of the Committee by the Registry.

As a precaution, parties are directed to file copies of their objections/suggestions before the Committee directly at the time of their appearance.

List the matter on 18th November, 2014.

....., JM
(U.D. Salvi)

....., EM
(Dr. G.K. Pandey)

....., EM
(B.S. Sajwan)

