

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

Original Application No. 329/2015  
(M.A. Nos. 283/2018 & 1389/2018)

With

Original Application No. 521/2015

With

Original Application No. 448/2013 (THC)  
(CW 4050/12)

(M.A. Nos. 1228/2015 & 513/2017)

With

M.A. No. 832/2014

In

Original Application No. 358/2013 (THC)

With

Original Application No. 20/2015 (THC)

With

Original Application No. 446/2013 (THC)  
(CW 7932/11)

(M.A. No. 811/2015)

Gram Panchayat ARABA

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

M.M. Charitable Trust

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

U.R. Beniwal

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

Laxmi Suiting

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

Ramesh

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

Multan Singh

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: 17.05.2019

**CORAM:**

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Jaideep Singh and Ms. Eysa Marysha, Advocates

For Respondent(s)

Ms. Padhmalakshmi Iyengar, AAG for State of Rajasthan  
Mr. Shashank Saxena, Ms. Ruchi Mandal and Mr. Amritesh Raj, Advocates for Ardhendumauli Kr. Prasad, Advocate for CGWA  
Mr. Raj Kumar, Advocate for CPCB  
Mr. Ranjesh Kr. Sinha, Advocate  
Mr. Keshav Pareek, Advocate for Mr. Sanjeet Purhoit, Advocate, Mr. Vineet Gupta and Mr. Praveen Choudhary, for RIICO  
Mr. Raj Panjwani, Sr. Advocate, with Mr. Adhiraj Singh, Advocate for RSPCB  
Mr. Krishan Kumar Singh, Advocate for MoEF& CC  
Mr. Pallav Shishodia, Sr. Advocate and Mr. Rishabh Sancheti, Advocate for JPNT  
Mr. Kapil Garg, DGP, Rajasthan Police and Mr. Pankaj Singh, ADG, Traffic, Rajasthan Police

**ORDER**

In this case it has been noticed by us that despite of directions issued from time to time, the CETP have not treated or fully treating the effluent and the same is discharged in river/storm water drain/open places. This

practice has been continued by the industries and the treatment plants continuously except for a period of short intervals. It is only when either the matter is listed before the Tribunal and directions are passed or a commissioner is appointed for site inspection that effluent is treated and the method provided under the relevant law is followed.

In fact, the situation is such that even when the concerning persons/units are being asked about the regular treatment of effluent, we are mis-informed and when directed to make a statement on oath, by way of filing in affidavit, to our dismay the same is not truthful.

Having faced with such a situation and practice being followed by the units and their conduct of discharging untreated effluent which results in lot many diseases being spread to the public at large, we have considered it proper to issue direction for constitution of special task force who would check such activities 24X7. It is for this purpose that we had requested the senior most police officers of the State i.e. the Director General of Police and Additional Director General of Police to propose a solution for eradicating the problem being faced by the general public and suggest a way by which this menace can be checked. After having discussions with all stakeholders we have decided to have a special task force of Rajasthan Police with requisite personnel, arrangements for their transport, required staff

and a separate office nearby to the industrial area at Jodhpur.

Accordingly, we direct Director General of Police, Rajasthan to constitute a special task force to be headed by a senior officer not less than the rank of an Additional Superintendent of Police. They shall have four Sub-Inspectors, three Head Constables and 21 Constables. The team shall have two vehicles with six drivers. The Special Task Force shall have the following functions:-

1. The force shall work round the clock, in three shifts.
2. The force shall keep vigil over discharge of industrial effluent and prevent the same from being done in a river, nallah, storm water drain, any open space, land belonging to public or Panchayat, except the one permitted under consent order and appropriate criminal prosecution shall be initiated against persons found discharging effluent illegally. Similarly, any vehicle such like tanker etc. is found discharging industrial effluent in the aforesaid places, the same shall be immediately seized. Such vehicle shall not be released without the order of the Tribunal.
3. A system of receiving complaint from public in respect of such discharge through mobile shall be introduced so that the same is immediately be recorded and the special task force can come into action.

4. The Special Task Force shall also see that no unit is set up or is operating in an area which is not earmarked as industrial area. Any such units found to have been established or functioning, the same shall be immediately sealed. Such units/structures sealed by the special task force shall be de-sealed only by the orders of the Tribunal.
5. The special task force shall also check that no unit in any area is operating without due permission/consent to establish and to operate from competent authority, in accordance to the relevant law.
6. The incharge of the Special Task Force shall issue press release for local print media regarding establishment and function of the Special Task for information of general public, with its office address and telephone numbers.

The Special Task Force, apart from the above referred personnels may also engage other staff which are required to carry out the assignments given to it. They shall have a separate temporary office which may be hired at an appropriate place suitable for its operation. All the expenses required for the purpose of establishing and operation of the Special Task Force shall be borne by the State Pollution Control Board. The demand raised by the In-charge of Special Task Force to the State Pollution Control Board shall be immediately granted. However, the State Pollution

Control Board shall be free to pay the amount from environmental compensation fund and the one recovered from the defaulting units/industries, in accordance with law.

The Special Task Force will furnish daily report to ADG, Traffic, Rajasthan Police, who shall forward the same to the Tribunal every month.

List these matters on 12<sup>th</sup> July, 2019.

**M.A. No. 811/2015**

This application has been filed under Rule 22 of the NGT (Practice and Procedure) Rules, 2011 read with Section 19 of the National Green Tribunal Act, 2010 seeking recalling of the order dated 10.12.2013 whereby Mr. Ravi Bhandari was permitted to continue as *Amicus-Curiae*.

This application has been filed by Mr. G.K. Garg S/o Mr. Radhyshyamji Garg, the then Executive Trustee of Jodhpur PradushanNiwaran Trust, Sangariya, Jodhpur, Rajasthan.

It is stated in the application that when the matters were listed for hearing before the Tribunal on 19.12.2013 Mr. Ravi Bhandari informed the Tribunal that he has been appointed as *Amicus-Curiae* in the connected bunch of cases. Therefore, the Tribunal had permitted him to continue as Amice Curie in these matters also. Further, it is stated that during the course of hearing in the writ

petition relating to Laxmi Suitings before the High Court, Mr. Ravi Bhandari wanted to intervene in the matter, projecting himself to be an expert in the field of pollution equipment's. Therefore, the High Court appointed him as an *Amicus-Curiae*.

It is alleged by the applicant that Mr. Ravi Bhandari is a self-styled expert on account of his Business and claims specialization in Metal, Wood, Fuel and Water treatments etc. It is also stated that he is having commercial interest in the affairs of the trust which he intentionally did not disclose before the High Court and the Tribunal at the time of being appointed as *Amicus-Curiae*. It was expected from him to have disclosed his involvement and interest in the affairs, at the time of his being appointed as *Amicus-Curiae*. Similarly, other allegations have been levied that instead of helping the industries by giving technical support he had been harassing and threatening them.

When the matters were listed before the Court today Mr. Ravi Bhandari appeared in person and expressed his desire to be discharged from the responsibility of *Amicus-Curiae* in this case. In such view of the matter and without expressing any opinion on merits on the averments made in the application, we deem it just and proper to accept the request made by Mr. Ravi Bhandari. Therefore, it is ordered that Mr. Ravi Bhandari be discharged as *Amicus-Curiae* in this case.

Accordingly, M.A. No. 811/2015 is allowed, with no order as to cost.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

May 17, 2019  
MN

