

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 329 OF 2015
(M. A. NO. 283 of 2018,& M. A. No. 1389 of 2018)**

And

Original Application No. 521 of 2015

And

Original Application No.448 (T_{HC})/2013

(CW 4050/12)

(M.A. No. 1228/2015& M. A. NO. 513/2017)

And

M.A No. 832/2014

In

Original Application No. 358(T_{HC})/2013

And

Original Application No. 20(T_{HC})/2015

And

Original Application No.446 (T_{HC})/2013

(CW 7932/11)

(M.A No. 811/2015)

IN THE MATTER OF :-

Gram Panchayat ARABA Vs. State of Rajasthan & Ors.

and

M.M. Charitable Trust Vs. State of Rajasthan & Ors.

And

U.R. Beniwal Vs. State of Rajasthan & Ors.

And

Laxmi Suiting Vs. State of Rajasthan & Ors.

And

Ramesh Vs. State of Rajasthan & Ors.

And

Multan Singh Vs. State of Rajasthan & Ors.

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

Present:

Applicant:	Mr. Jaideep Singh, Adv.
Respondents	Mr. A.K. Prasad Ms. Diksha Gaera, and Mr. Shashank Saxena, Advs. for CGWA
Respondent	Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal, Ms. Sikha Sandhu, and Mr. Adhiraj Singh Rajawat, Advs.
	Mr. Krishna Kumar Singh, Adv. with Shri H. Kharakwal Scientist of MoEF
	Mr. Raj Kumar, Adv. for CPCB
JPNT	Mr. Rishabh Sancheti, Ms. Padma Priya, Mr. Ivan, and Mr. Arpit Agrawal, Advs.
RIICO	Mr. Keshav Pareek Adv. for Mr. Sanjeet Purohit, Adv. and Mr. Praveen Choudhary, RIICO Officer

	Date and Remarks	Orders of the Tribunal
	Item No. 15-20 October 23, 2018	<p>On having come to know on the earlier occasion that State PCB have not prescribed the CETP inlet quality standards with reference to the Notification of 1st January, 2016, we had called the Senior Scientist from MoEF who was concerned with the said Notification (CP Division) and also the Senior Scientist from CPCB to assist the Tribunal</p>

<p>Item No. 15-20</p> <p>October 23, 2018</p> <p>Item No.</p>	<p>in respect of the standards required for CETP. In compliance thereof, both the Scientists appeared before us on 28th September, 2018 to whom we proposed that they should hold a meeting along with the Member Secretary, Rajasthan PCB to give their suggestions as to how the inlet of the present CETP containing pH to the extent of 0.7 is to be neutralized/diluted.</p> <p>Apart from it, we had directed CPCB to have an inspection conducted of the two industries namely M/s Universal Dye Stuff in Basani, District Jodhpur and M/s Dauxil Products of New Industrial Area, Jodhpur by a team of at least four Members from the Head Office at Delhi. We had also directed that, in case, the industries are found operating without permission under law or that they are non-compliant, in any respect, then the same should be immediately shut down. Further, Rajasthan State Electricity Board as well as Water Works Department (PHED) that in case of closure of the industries and on intimation by CPCB, they shall disconnect their supplies to such industries.</p> <p>When the case was listed today, to our utter surprise neither any proposal with regard to the standards required for CETP nor any report in respect of the inspection conducted of the two aforesaid industries had been submitted. As a matter of fact when Scientists/Officers, present in Court, were asked to inform us about standards required for CETP, they could not give any answer. As regards conducting of inspection of the aforesaid two industries and whether they were operating with permission under law or they are non-compliant and if they were so then had they been ordered to be closed</p>
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<p>15-20</p> <p>October 23, 2018</p> <p>Item No.</p>	<p>and required information has been sent to Rajasthan State Electricity Board as well as Water Works Department (PHED). In this regard also the Officers/Scientists present could not respond. On the contrary, we were informed that when they visited the industries for inspection they found that one of them was running and the other was closed but they themselves found some water etc. which shows that the same was also running in the recent past. In other words, the inspecting team failed to give their information as to whether the two industries were having any permission under law or were non-compliant, much less to say to order for their immediate closure with requisite information to the Electricity Board and Water Works Department for disconnecting their supplies to the said industries.</p> <p>Having regard to the facts that aforesaid industries, with growth of inhabitation, are being surrounded by residential areas and the fact that discharge of toxic materials by such industries so much so that the inlet of the CETP contains pH to the extent of 0.7, which would be extremely difficult to be neutralized/diluted, we are of the considered opinion that in the instant case, the situation is alarming and immediate steps needs to be taken to obtain the report from the Committee of Experts of the field so that remedial measures and steps, in accordance to law, may be taken up against defaulters. It is rather a sorry state of affairs that despite of directions to Senior Scientists of Ministry of Environment and Forest as well as Central Pollution Control Board at Delhi for doing the needful on urgent basis, they have failed to do their duty</p>
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which is a matter which has far reaching ramification. Therefore, the Tribunal is compelled to constitute a special High Powered Committee for submitting their report to assist the Tribunal to take further remedial measures.

For this purpose, we would request Prof. Akhilendra Bhushan Gupta (akhilendra_gupta@yahoo.com) from NIT Jaipur, Prof. Ajit Pratap Singh (aps@pilani.bits-pilani.ac.in) from BITS Pilani, Rajasthan and Mr. A.B. Akolkar (abakolkar@gmail.com), Former Member Secretary, CPCB to immediately visit Jodhpur:

1. for inspection of the CETP installed there and do the needful to give their opinion with regard to standards required for the CETP in accordance to the Notification dated 1st January, 2016;
2. and also to give the suggestions as to how inlet of present CETP containing pH to the extent of 0.7, as even expected by the Scientists for MoEF and CPCB who were present before us today and had visited the CETP is to be neutralized/diluted.
3. Conduct inspection of the two industries namely M/s Universal Dye Stuff-F-251, Phase -II, MIA, Basani, Tehsil and District Jodhpur and M/s Dauxil Products-G-77,78 & 90-91, New Industrial Area, Jodhpur. We direct that in case the Committee finds that these industries are operating without permission under law or that they are non-compliant, in any respect, then the same should be immediately ordered to be shut down. Rajasthan State PCB as well as Water Works Department (PHED) are directed to discontinue their supplies to these industries, in case the Committee orders for

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closure of these industries.

The Collector, Jodhpur and the Commissioner of Police, Commissionerate, Jodhpur are directed to make all necessary arrangements with regard to their stay at State Circuit House and all other logistics required during visit. Further, Commissioner of Police, Jodhpur is directed to make adequate arrangements with regard to safety and security of the Committee during their visit to Jodhpur. The intimation with regard to the visit shall be sent to the Collector and Commissioner of Police, Jodhpur by the Committee themselves. The remuneration to the Members of the Committee shall be Rs. 1 lakh each and all other expenditure with regard to logistics, secretarial services, expenditure for lab testing etc. shall be fully reimbursed to the Committee. All these expenditure including remuneration shall be presently borne by the State PCB. However, it is made clear that such expenditure may be rather ordered by the Tribunal for recovering the same from the defaulter industries.

A copy of this order be sent through email to the Collector, Commissioner of Police, Jodhpur, Chairman of Rajasthan State PCB and all the three Members of the Committee.

A copy of this order be also sent to the Secretary, MoEF and the Chairman, CPCB through email.

List these matters on 16th November, 2018.

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Dr. Satyawan Singh Garbyal)