

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

**Original Application No. 125 of 2018
(M.A. No. 334/2018 & 793/2018)
(Earlier O.A. No.163/2017 (WZ))**

IN THE MATTER OF:

**Arvind Pundalik Mhatre
Vs.
Ministry of Environment, Forest and Climate Change & Ors.**

**CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, ACTING CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: **Applicant :** **Mr. Lalit Mohan, Mr. Chetan R. Nagare and Mr. S.E. Avadh, Advs.**
 Respondents : **Mr. Divya Prakash Pande, Adv. For MoEF & CC
 Mr. Mukesh Verma, Adv. for MPPCB
 Mr. Amit Kumar and Mr. Vidisha Kumar, Advs. for R-1
 Ms. Shyamali Gadre with Mr. Guruprasad Pal and Ms. Ramni Taneja, Adv. for MIDC (R-6 & 7)
 Mr. Rajkumar Adv. with Ms. Niti Choudhary, LA for Central Pollution Control Board
 Mr. D.M. Shetle, Adv. for R-10 & 12**

| Date and Remarks | Orders of the Tribunal |
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| Item No. 02 May 30, 2018 ss | <p>On 11th April, 2018, based on the submission made on behalf of the applicant and on perusal of the case papers we were satisfied that the Common Effluent Treatment Plant (in short CETP) in question was not functioning properly and there was a total failure on its part. The Learned Counsel appearing for the CETP submitted that they are operating it and will improve functioning. They have invited fresh tenders for the maintenance of the CETP. On further hearing it was found to be only pleas to overcome the lapses on its part. We had, therefore, drawn attention of the parties concerned to the order dated 02nd January, 2018, requiring them to comply with the order which has not been done. This led us to pass Second order on 11th April, 2018 directing the jurisdictional Pollution Control Board to identify such of the industries according to which the</p> |

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| | <p>Item No. 02</p> <p>May 30, 2018</p> <p>ss</p> | <p>statement made on behalf of the industrial association who was running industries releasing effluents which is more than the required quantity and resulting in the CETP unable to handle. We also authorize the Board to require all these industries to operate their Effluent Treatment Plants (in short ETPs) to ensure that the effluent which is being released is within the prescribed parameters, failing which the industry is required to be shutdown. We had asked periodical report to be filed in this regard by the Board.</p> <p>The Learned Counsel appearing for the Board draws our attention to the report which is nothing but two line data without any opinion of the Board. This is highly deprecated as a Board has not understood the seriousness of the directions issued by the Tribunal.</p> <p>Be that as it may, as rightly pointed out by the applicant's counsel that CETP has failed to become functional and in view of it the ensuing monsoon season the situation is very alarming and undoubtedly will endanger the life of the several people who are residing in the vicinity.</p> <p>In these circumstances, we direct the Pollution Control Board to forthwith ensure that such of the industries which were not operating their ETPs to the optimum capacity and such of industries which are releasing effluents, not meeting the prescribed parameters to be released, shall be shutdown forthwith and a report in this regard shall be filed to the Tribunal.</p> <p>We direct the Superintendent of Police and SDM of the jurisdictional area to give necessary assistance to the</p> |
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| | <p>Item No. 02</p> <p>May 30, 2018</p> <p>ss</p> | <p>officers of the Pollution Control Board who shall comply this order and report compliance before the Tribunal. As far as the CETP is concerned, though they have filed application seeking waiver of dispensing with the order to deposit a sum of Rs. 5 Crores. We are compelled to observe that for the lapses it has committed shall be exposed to a further liability of another Rs. 5 Crores.</p> <p>Be that as it may, let the Action Taken Report be filed by tomorrow i.e. 31st May, 2018 and the action shall be taken today itself.</p> <p>List this matter tomorrow i.e. on 31st May, 2018.</p> <p>....., ACP (Dr. Jawad Rahim)</p> <p>....., JM (S.P. Wangdi)</p> <p>....., EM (Dr. Nagin Nanda)</p> <p>30.05.2018</p> |
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