

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

Original Application No. 344 of 2018

IN THE MATTER OF:

Sukhpal Singh Khaira, MLA, Punjab Assembly & Ors.

Vs.

Union of India & 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. H.S. Phoolka, Sr. Adv. With Ms. Shilpa Dewan, Adv.

Respondent: Mr. Rajesh K. Singh and Mr. Rovins Verma, Advs. For MoEF
Mr. Naginder Benipal, Adv. For PPCB
Mr. Kamal Jeet Singh, AAG for State of Punjab
Mr. Pinaki Misra, Sr. Adv. And Mr. Anuj Malhotra, adv.
Mr. Shiv Mangal Sharma, AAG and Mr. Saurabh Rajpal, Adv.
Mr. Ardhendumauli Kr. Prasad and Mr. Shashank Saxena, Advs. for CGWA & MoWR
Mr. Raj Kumar, Adv. With Mr. Bhupender Kumar, LA, CPCB

	Date and Remarks	Orders of the Tribunal
	Item No. 09 May 24, 2018 ss	<p>We have the presence of Learned Senior Counsel Mr. H.S. Phoolka representing the applicant at whose instance this petition has been registered invoking jurisdiction of this Tribunal under section 14 of the NGT Act, 2010.</p> <p>The applicants who claim to be public spirited persons have approached this Tribunal for appropriate directions to safe the river Beas and Satluj from sewage/severe pollution being caused to it including the areas inhabited by the people and the vicinity of this area.</p> <p>The applicants have attributed the severe pollution is being caused to River Beas and Satluj due to obnoxious and high pollutants being discharged from the two industries named in the application which, according to the applicants, has resulted in destruction of aquatic life,</p>

	<p>Item No. 09</p> <p>May 24, 2018</p> <p>ss</p>	<p>flora and fauna. They have produced photographs along with the petition of these two rivers and its banks showing the dead fish spills outs of the rivers and floating in the banks.</p> <p>Prima facie the applicants have made a case for invoking jurisdiction of the Hon'ble Tribunal under Sections 16, 17 and 18 of the National Green Tribunal Act. Hence we admit the case.</p> <p>We order Notice to the respondents who are in the party array.</p> <p>The Leaned Counsels Mr. Rajesh K. Singh on behalf of MoEF, Mr. Raj Kumar on behalf of Central Pollution Control Board, Mr. Vinayak Gupta on behalf of CGWA, Mr. Ardhendumauli Kr. Prasad on behalf of MoWR, Mr. Kamal Jeet Singh, AAG on behalf of State of Punjab, Mr. Naginder Benipal on behalf of Punjab Pollution Control Board and Municipal Corporation Ludhiana and Jalandhar, Mr. Saurabh Rajpal on behalf of State of Rajasthan and the Leaned Senior Counsel Mr. Pinaki Misra on behalf of General Manager of Rama Sugar Respondent No. 11 are present and representing to their respective respondents. They take Notice and waive service.</p> <p>Issue Notice to Respondent No. 8 and 9. Notice returnable within two weeks.</p> <p>In the meanwhile the respondents who are duly served and are represented by their Learned Counsel and take Notice waive service. They are granted two weeks time to file their replies. The applicant to make available complete set of pleadings with annexures to all the respondents. After receipt of copies the respondents shall</p>
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	<p>Item No. 09</p> <p>May 24, 2018</p> <p>ss</p>	<p>file their replies after serving copies to the applicant who shall file Rejoinder(s) thereto, if any, within two weeks thereafter. The entire process shall be completed within four weeks from now.</p> <p>In the meanwhile we direct the Central Pollution Control Board and State Pollution Control Board to conduct joint inspections of the areas indicated in the application, collect samples from both the rivers including the spots alleged in the application. The collection point shall be upstream and downstream and from the discharge point and also from the drain namely Buddha Nalla.</p> <p>The samples collected shall be preserved in three sets. One sample will be subjected for Chemical Analysis. Report of the samples collected shall be prepared by the joint inspection team. The report of the joint inspection shall be filed before the Tribunal within two weeks from now.</p> <p>The entire process of inspection, filing statements, objections and report shall be completed within six weeks from now.</p> <p>The inspection team shall visit the areas in question as earliest as possible and submit a report on the death of aquatic animal as indicated in the petition and whether it is related to the alleged pollution and if so, identify the source of pollution/polluters.</p> <p>List it for further proceedings on 17th July, 2018.</p> <p>Issue order dasti.</p> <p>....., ACP (Dr. Jawad Rahim)</p>
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