

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL
BENCH, BHOPAL**

Original Application No. 10/2015 (CZ)

Mahendra Kumar Saxena Vs. Municipal Corporation & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**PRESENT : Applicant : None.
Respondent No.1 : Shri Vijay Shahni, Adv.
Respondent No. 2: Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate**

Date and Remarks	Orders of the Tribunal
Order no. 3 10th April, 2015	<p>This application was received by post filed by the Applicant alleging that the Respondent Municipal Corporation, Gwalior had installed hot mix plant in residential area at Gwalior city near the bridge known as 'University Bridge' near AG Office in Gwalior. It was alleged that the plant was surrounded by residential localities and was responsible for causing air pollution as well as noise pollution.</p> <p>Vide our order dated 18.03.2015, notices were ordered to be issued to the residents in pursuance of which the Municipal Corporation through Shri Vijay Sahni has put in appearance on 25.03.2015. on the said date Learned Counsel for the Municipal Corporation undertook that the Municipal Corporation would make compliance of the directions issued by the MPPCB as contained in their letter dated 13.02.2014 wherein the MPPCB had directed the Municipal Corporation for shifting of the hot mix plant. Learned Counsel for the Municipal Corporation submitted their reply where in Para No. 3, it has been stated that the Respondent Municipal Corporation has stopped the operation of the hot mix plant and the same is in the process of being shifted from the site in</p>

question.

Learned Counsel submitted that he has instructions to inform the Tribunal that, post filing of the aforesaid reply, the plant has been removed from the disputed site.

In view of the above, so far as the prayer made in the application for direction to the Municipal Corporation for removal of the plant is concerned, no further direction is required to be issued in view of the statement made by the Municipal Corporation that the plant has been removed from the disputed site.

It is further directed that as and when the Municipal Corporation wishes to install a similar plant in or around the city of Gwalior, they would seek prior consents from the MPPCB in this behalf in accordance with law.

However, we find that despite the directions given by the MPPCB as early as 13.02.2014 for removal of the plant, the Municipal Corporation, Gwalior failed to carry out the aforesaid direction by stopping the activities at plant and removing the same. In view of the above, we are inclined to impose a token fine of Rs. 50,000/- which shall be utilised by the Municipal Corporation for carrying out plantation of trees in the localities and the vicinity of the location where the plant was situated and their protection. The Municipal Corporation shall plant such trees which are conducive for containing the pollution levels as Gwalior is reportedly a city amongst the 13 most polluted cities which have been notified and is at number 3 in the list of most polluted cities. It will be the responsibility of the Municipal Corporation, Gwalior to plant at least one thousand trees and provide necessary protection for their growth for at least 5 years and ensure their survival. All

necessary steps be planned and taken in time.

The compliance shall be reported before the Tribunal
on **17th August, 2015**.

.....,JM
(DALIP SINGH)

.....,EM
(RANJAN CHATTERJEE)

