

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

M.A. No. 545/201

In

Original Application No. 109/2014

Mohistikari Paribesh Jivan O Krishi Kalyan Mancha & Anr.

V/s.

MoEF & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant / Appellant	: Ms. Neelam Rathore, Adv.
Respondent No. 1	: Mr. Vivek Chib and Mr. Kushal Gupta Advs.
Respondent No. 2&3	: Mr. Bikas Kar Gupta, Advs.
Respondent No. 4	: Mr. Amit Agrawal, Advs.
Respondent No. 5	: Mr. Raj Panjwani, Sr. Adv.
CPCB	: Mr. Manisha Agrawal Narain, Adv. and Mr. S.L.Gundli, Sr. L.O, CPCB

Date and Remarks	Orders of the Tribunal
Item No. 2 August 28, 2014	<p>Heard. Perused.</p> <p>In compliance of the order dated 26th August, 2014 the Learned Counsel appearing on behalf of the Respondent-5 industry on instructions makes a statement that there were two outlets for discharging the treated domestic effluent into the Nayanjali Drain; and one of the outlet which has been referred to in para 14 (i) of the Miscellaneous Application. No. 545/2014, was closed vide photograph annexure A- 18 annexed to the said application and the effluent that was being discharged from that outlet was directed towards the remaining outlet and discharged into Nayanjali Drain. He further makes a statement that what is being seen in the photographs at page 47 annexure A 18 collectively to the application is the construction activity at the remaining outlet where the effluent discharged from the other closed outlet has been directed to flow outside into the Nayanjali Drain. The pipeline seen in the photographs, he describes, is a pipeline carrying treated domestic effluent which discharges its contents into the Nayanjali Drain.</p> <p>Learned Counsel appearing on behalf of the applicant submits that these photographs in respect of which the</p>

statement has been made by the Respondent No. 5- industry are the photographs taken from outside the factory wall and from the Nayanjali Drain. She further questions the propriety of constructing the pipeline outside the premises and within the Nayanjali Drain, which according to her is a irrigation canal- vide para 16 of the main petition. However, Learned Counsel appearing on behalf of the Respondent No.5 - industry makes a statement that except the construction that is seen in the photographs the industry does not propose to construct anything along the Nayanjali Drain

Learned Counsel on behalf of the applicant submits that such construction of the drain inside the Nayanjali Drain has been carried out unauthorizedly and illegally. In the main petition the applicant is seeking directions to the Respondent No.5 -industry to restitute the environment including the damaged land and water bodies in and around the factory premises. Considering the pleadings and the relief sought it would be appropriate for the applicant to join the Department of Irrigation, State of West Bengal to the present petition. Let the Department of Irrigation, State of the West Bengal be impleaded to the present petition. Necessary amendment to the petition be carried out by the applicant. Notice to newly impleaded party by Registered Post/ Acknowledgement Due and dasti as well and Notice returnable on 5th September, 2014. Amended copies be furnished to the responding parties.

List the matter on 5th September, 2014.

....., JM
(U.D. Salvi)

....., EM
(Dr. G.K. Pandey)

....., EM
(Ranjan Chatterjee)