BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 130 of 2016 (M.A. No. 916 of 2016, M.A. No. 84 of 2018 and M.A. No. 218 of 2018)

Social Action for Forest & Environment (SAFE)

Vs.

Union of India & Ors.

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

Present:	Applicant:	Mr. Sanjay Upadhyay, Adv. with Mr. Keith Varghese, Adv. Ms. Esha Chaturvdei, and Ms. Saumitra Jaiswal, Advs. Mr. Pankaj Bhagat, Mr. Sadre Alam, Mr. Amitau Bachchan and Mr. Piyush Ranjan, Advs. Ms. Shalini Sati Prasad, Adv.
	Respondent No. 1 :	 Mr. Attin Shankar Rastogi and Mr. Prateek Yadav, Advs. Mr. Rajkumar, Adv. Ms. Preeti LA Ms. Urmil LO for Central Pollution Control Board Mr. Naginder Benipal, Adv. for Punjab State PCB Mr. Anil Grover, AAG with Mr. Rahul Khurana Advs. for State of Haryana Mr. R. Rakesh Sharma, Mr. Mowli Adv. for Tamil Nadu & TNPCB, Mr. Sanjeev Kr. Singh, Mr. Mayank Bugham Advs. for Noticee No. 12 & 13 Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. Mr. Guntur Prabhakar, Mr. Promod Kumar, Mr. Gautam Prabhakar, Advs. for State of AP Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. Mr. Rajkumar, Adv. Ms. Niti Choudhary, LA Mr. Gautam Singh, Mr. Shobeab Alam, Advs. for State of Bihar. Mr. Ashish Rana and Mr. Shaver Ahmed Advs. Mr. Utkarsh Sharma Adv for State of UP Ms. Shish Rana and Mr. Shaver Ahmed Advs. for State of Uttarakhand Mr. Naginder Benipal adv. Mr. Naginder Benipal adv. Mr. Naginder Benipal adv. Mr. Naginder Benipal Adv.
	Date and Remarks	Orders of the Tribunal

Da Re	te <mark>and</mark> marks	Orders of the Tribunal	
It	tem No. 14	<u>M.A. No. 218 of 2018</u>	
	ebruary 2, 2018	Heard the applicant in M.A. No. 218 of 2018.	
	SS & A	By this M.A. applicant seeks permission to bring on	
		record the additional documents regarding State-wise	
		Status of PESO licenses for the industries producing	
		absolute alcohol (Ethanol). The applicant wants to place	
		formally the status of PESO of all industries along with details PESO licences, applied for and which are in	

process.

14 February 22, 2018

SS & A

Item No.

Hence, we allow the application to the limited extent of bringing this State-wise Status report on record subject to response from the respondents and other contesting parties.

The M.A. No. 218 of 2018 stands disposed of accordingly.

<u>M.A. No. 84 of 2018</u>

This application is moved by the industry seeking modification of our order dated 30th August, 2017 whereby we have issued the following directions :-

- 1. PESO as well as State of Uttar Pradesh and all concerned States shall take appropriate action in accordance with law i.e. hazardous waste, chemical waste rules and the PESO as it is the competent authority to issue licenses. In our considered view, being licensing authority it is vested with obligations to ensure that the person/industry do not generate or produce absolute alcohol without obtaining the license prior to such production.
- We direct that the five industries in the State of Uttar Pradesh detail of which as follows:

a. They shall not manufacture or produce absolute alcohol till further order.

 b. Notice may also be issued to them, if they so desire, to apply vacation of this order.

The learned counsel for Applicants in M.A. No. 84 of 2016 further submits that in view of this order the concerned authorities are not inspecting site resulting in delay in issuance of licenses. The Learned Counsel appearing for State of Uttar Pradesh submits if the applicant applies to appropriate authority they would conduct inspection and take appropriate action. We do not find any reason to modify our order dated 30th August, 2017, Applicants may apply to the authorities to request to conduct the site inspection. We further direct the authorities to examine facts stated in the application which the applicant has urged to justify grant of license to it whether it is factually correct.

Report be filed before the Tribunal within two weeks. After conducting inspection the authorities concerned may take appropriate decision keeping in mind the order in question.

The M.A. No. 84 of 2018 stands disposed of accordingly.

<u>Main Matter</u>

Item No.

14

February 22, 2018

SS & A

List this case on 20th March, 2018.

(Dr. Jawad Rahim)

.....,JM (S.P. Wangdi)

.....,EM (Dr. Nagin Nanda)

22.02.2018