

**BEFORE THE PRINCIPAL BENCH  
NATIONAL GREEN TRIBUNAL  
NEW DELHI  
CIRCUIT BENCH AT JODHPUR**

**Original Application No. 32(T<sub>HC</sub>)/2014  
(CWP No. 9503 of 2012)**

**and**

**Original Application No. 33(T<sub>HC</sub>)/2014  
(CWP No. 8923 of 2012)**

**Kishan Paryavaran Sangharsh Samiti, Jaipur Vs. State of Rajasthan  
& Ors.**

**And**

Gautam Chand Chopra Vs. State of Rajasthan & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR,  
CHAIRPERSON**

**HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER**

**HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER**

**HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

**Present:** Applicant (s) : Appearance sheet not signed  
Respondent No. 4 : Mr. V.K. Mathur, Adv.  
Pollution Control Board : Mr. Manish Shishodia and Mr.  
Shreyansh Mehta,

Advvs.

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item Nos. 4 &amp; 5 March 5, 2014</b>	<p>Learned Counsel appearing for the Respondents No. 2 to 4 submit that the reply filed in original application no. 32(T<sub>HC</sub>)/2014 be treated as their reply in original application no. 31(T<sub>HC</sub>)/2014. We so direct.</p> <p>Let copy of the reply filed in that writ petition be furnished to all the Counsel appearing in this case within one week from today.</p> <p>Learned Counsel appearing for the Respondent No. 5 prays for further time to file reply. Let reply be filed within three weeks from today with advance copy to all the Counsel appearing in these cases. Liberty to file rejoinder thereto, if any, is granted within one week thereafter.</p>

Learned Counsel appearing for the Applicant is also directed to inform the Counsel appearing for the Respondent No. 8 of the next date of hearing and the present order.

We must notice that the learned Counsel appearing for the State Pollution Control Board (SPCB) has fairly stated that there are number of industries who are working without consent of the Board and action is being taken against such industries.

The industries which are operating without obtaining consent of the State Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as the case may be shall not be permitted to operate henceforth. The statutory duty of the Board under these statutes and even the constitutional duty of the Board and the State is to ensure that pollution is prevented as well as controlled. Their industries are operating and are carrying on business of dyeing and printing in the industrial estate of district Pali.

We see no reason why effective steps be not taken by the Board to ensure that the industries which are causing pollution and are operating in violation of the specific provisions and without obtaining consent of the Board should be permitted to continue to cause pollution. The Board shall file its reply-cum-report by the next date of hearing. The District Magistrate of the concerned area and the Rajasthan SPCB shall be responsible for the compliance of the this order forthwith.

List these matters for hearing on 2<sup>nd</sup> May, 2014.

.....,C.P.  
(Swatanter Kumar)

.....,JM  
(M.S. Nambiar)

.....,EM  
(Prof. (Dr.) P.C. Mishra)

.....,EM  
(Dr. R.C. Trivedi)

