

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No.04/2013 (P.B. No.97/2012 (THC)

Sandeep Lahariya Vs. State of M.P. & Ors.

**CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : None
Respondent No. 2 : Sh. R.K. Gupta, R.O. MPPCB, Indore
Respondent No. 10 : Shri Shyam Narayan Chouksey**

Date and Remarks	Orders of the Tribunal
Item No. 2 1st July, 2014	<p>Heard. Perused.</p> <p>We had disposed of this original application last year with the direction to the Secretaries of Urban Development and Administration Department and Pollution Control Boards of all the three States i.e. Madhya Pradesh, Chhattisgarh and Rajasthan to closely monitor the implementation of 'Rules of 2011' in their respective States and to file an affidavit separately on the progress made in that regard on strict implementation by way of filing quarterly reports beginning with quarter ending with 31st March, 2014 and ending with 31st December, 2015 for the next two years in the Registry, NGT, Central Zonal Bench, Bhopal with the copies of the reports sent to the Central Pollution Control Board vide Judgement dated 11.11.2013.</p> <p>We have before us the compliance reports filed by the State of Madhya Pradesh, MPPCB, Bhopal Municipal Corporation, Gwalior Municipal Corporation and Chhattisgarh Environment Conservation Board. The Respondent No. 10. Shri Shyam Narayan Chouksey was granted liberty to approach us if there is any sufficient evidence to prove the indifference on the part of the Respondent authorities in implementing the 'Rules of 2011' and</p>

the orders of this Tribunal vide Judgement dated 11.11.2013. Now the Respondent No. 10 has moved us with the submissions dated 25th May, 2014 for imposing penalties on the Respondents on the grounds of their lapses in discharging their duties as per law.

Perusal of these submissions reveals a broad allegation that nothing has been done by the Respondent authorities for the implementation of the Plastic Waste (Management and Handling) Rules, 2011.

On the one hand we have compliance reports filed before us as referred to hereinaabove, and on the other the broad allegation we, therefore, expect the grieving Respondent No. 10 to go through those action taken reports and closely scrutinise them vis-à-vis his perceptions and to come forth with concrete facts to prove the indifference of the Respondent authorities in implementing the 'Rules of 2011' and the breaches committed by such authorities in compliance of the orders passed by this Tribunal in the present case. We also expect the Respondent No. 10 not only to make the grievances but also come forth with the workable suggestions to help the authorities in implementation of the 'Rules of 2011'. This will help us to bridge the gap between the adequacy and inadequacy in the efforts purportedly done by the aforesaid Respondents in implementation of the 'Rules of 2011'.

In the meanwhile the authorities filing the compliance reports shall furnish copies of the same to the Respondent No. 10 within one week.

Compliance reports have not been received from the States of Chhattisgarh and Rajasthan. Issue notice to the Principal Secretaries of Urban Administration and Development Departments of the States of Chhattisgarh and Rajasthan as well as Member Secretary, Rajasthan State Pollution Control Board to show cause as to why an action be not initiated for non-compliance of the order of this Tribunal and to file action taken report within a fortnight and to supply copies of the same to the Respondent No. 10 in advance.

Copies of the submissions made by the Respondent No. 10 shall be furnished to the respective authorities in order to enable the respective authorities to comment thereupon on or before the next date of hearing.

List on **30th September, 2014.**

.....JM
(U.D. SALVI)

.....EM
(P.S.RAO)