

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No.447 of 2013 (T_{HC}) (CW 11533/11)
And
Original Application No.448 of 2013 (T_{HC}) (CW 4050/11)
(M.A. No. 734 of 2015)
And
M.A. No. 832 of 2014 & M.A. No. 808 of 2015
In
Original Application No.358 of 2013 (T_{HC})
And
Original Application No.20 of 2015 (T_{HC})
And
Original Application No.446 of 2013 (T_{HC}) (CW 7932/11)
And
Original Application No. 25 of 2015
And
Original Application No. 26 of 2015
And
Original Application No.27 of 2015

IN THE MATTER OF:

Shatrudhan Rajpurohit Vs. State of Rajasthan & Ors..
And
U.R. Beniwal Vs. State of Rajasthan & Ors..
And
Luxmi Suiting Vs. State of Rajasthan & Ors..
And
Ramesh Vs. State of Rajasthan & Ors.
And
Multan Singh Vs. State of Rajasthan & Ors.
And
M.B. Industries Vs. State of Rajasthan & Ors.
And
Salasar Balaji Industries Vs. State of Rajasthan & Ors.
And
M/s. Suncity Holiday Vs. State of Rajasthan & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Original Application No. 447/2013

Present: Applicant : Appearance not marked
Mr. Ravi Bhandari, Amicus
Respondents Mr. Manish Sisodiya, Mr. Lokendra Singh
Kachhawa and Mr. Shreyansh Naht, Adv. for
RSPCB
Mr. Shiv Mangal Sharma, Mr. Shrey Kapoor, Mr.
Ankit Shah and Mr. Saurabh Rajpal, Advs.

Original Application No. 448/2013

Present: Applicant : Mr. Siddharth Tatiya, Adv.
Mr. Ravi Bhandari, Amicus
Respondents Mr. Manish Sisodiya, Mr. Lokendra Singh
Kachhawa and Mr. Shreyansh Naht, Adv. for
RSPCB
Mr. Shiv Mangal Sharma, Mr. Shrey Kapoor, Mr.
Ankit Shah and Mr. Saurabh Rajpal, Advs.
Mr. M.S. Singhvi, Sr. Adv. and Mr. Dinesh
Mehta, Adv.

Original Application No. 358/2013

Present: Applicant : Mr. Sanjeev Purohit, Adv.

Respondents

Mr. Manish Sisodiya, Mr. Lokendra Singh Kachhawa and Mr. Shreyansh Naht, Adv. for RSPCB

Mr. Shiv Mangal Sharma, Mr. Shrey Kapoor, Mr. Ankit Shah and Mr. Saurabh Rajpal, Adv.

Mr. M.S. Singhvi, Sr. Adv. and Mr. Dinesh Mehta, Adv.

Mr. Shreyansh Mardia, Adv. for Mr. Sandeep Shah, Adv. in Item No. 15 to 17

Date and Remarks	Orders of the Tribunal
<p>Item No. 10 to 17</p> <p>August 06, 2015</p>	<p><u>Original Application No.447 of 2013 (T_{HC}) (CW 11533/11)</u> Nobody is present on behalf of the Applicant.</p> <p>The Original Application is dismissed for default of appearance.</p> <p>Accordingly, Original Application No. 447(T_{HC}) of 2013 stands disposed of without any order as to costs.</p> <p><u>M.A. No. 734 of 2015 in Original Application No.448 of 2013 (T_{HC})</u></p> <p>Heard the Learned counsel appearing for Applicant.</p> <p>This Application is allowed subject to just exception. The Applicant has right of intervention and addressing the Tribunal of the time of arguments in Original Application No.448 of 2013 (T_{HC}).</p> <p>With the above orders, M.A. No. 734 of 2015 stands disposed of without any order as to costs.</p> <p><u>M.A. No. 808 of 2014 in Original Application No.358 of 2013 (T_{HC})</u></p> <p>Notice be issued on this Misc. Application. Copy of the Application be furnished to the Learned counsel appearing for the non-Applicants. Reply thereto be filed within two weeks from today.</p> <p><u>Original Application No.448 of 2013 (T_{HC}) (CW 4050/11), (M.A. No. 734 of 2015), M.A. No. 832 of 2014 & M.A. No. 808 of 2015, in Original Application No.358 of 2013 (T_{HC}), Original Application No.20 of 2015 (T_{HC}), Original</u></p>

Application No.446 of 2013 (T_{HC}) (CW 7932/11), Original Application No. 25 of 2015, Original Application No. 26 of 2015 and Original Application No.27 of 2015

We have heard the Learned counsel appearing for the parties.

Various submissions have been made by the Learned counsel appearing for the parties and others present to the extent that the judgment of the Tribunal in the case of Luxmi Suiting Vs. State of Rajasthan is not being implemented in its true spirit and substance. It is not necessary for us to notice the grievances made in view of the course of action that we propose to adopt in the present cases.

In furtherance to the directions of the Tribunal, the Chief Secretary of the State of Rajasthan along with other Senior Officers appeared before the Tribunal in the Chamber meeting. The Chief Secretary explained various steps that the Government of Rajasthan and other Authorities have taken for implementing the directions in the judgment. He very fairly stated that there has been delay in compliance of the directions of the Tribunal but the intend of the State and its instrumentalities unequivocally was to implement the directions contained in the judgment of the Tribunal as it is serving a greater cause of public interest and the environment. It has been brought to our notice that for relocating the entire industrial complex, the land for shifting the industrial clusters has already been acquired. The compensation thereof would be shortly disbursed, possession taken and development of industrial area would be carried out in the recent future without any delay.

The MD of RIICO assured the Tribunal that they would take possession of the Kakani area on deposit of compensation, in accordance with law without any further delay.

The RIICO shall start preparing EIA report immediately for obtaining the Environmental Clearance from SEIAA. We direct the SEIAA to entertain and decide the said Application with utmost expeditiousness.

Working of the existing CETP has been improved and it is already performing and receiving effluent to the extent of 16 MLD as opposed to its earlier capacity to 8 MLD. It is expected to operate to its optimum capacity of 20 MLD in the near future.

We direct the Rajasthan Pollution Control Board, a representative of MoEF, a representative of CPCB, Officers of the CETP and a representative of CGWA to inspect the CETP within two weeks from today and submit a report to the Tribunal. It has further been informed to the Tribunal that 170 Units had already been connected to the conduit pipe leading to the CETP and the remaining Units are also expected to obtain connection and discharge their effluents in the conduit pipe by 15th September, 2015. The electromagnetic meters have been installed by the Units.

The Units would be inspected within three weeks from today. Working of the electromagnetic meters if at all installed and performance of CETP would be supervised by the concerned officials and the State Board.

It is further submitted that 299 Units have already deposited a sum of Rs. 5 Lakhs each with the concerned Authorities in terms of the judgment of the Tribunal. However 94 Units have not deposited the said sum of Rs.

5 Lakhs in terms of the judgment of the Tribunal.

Let the Board/ RIICO, concerned Authorities serve Notice upon them directing them to pay the sum of Rs. 5 Lakhs within one month and in the event of default the Authority would be free to take action in accordance with law.

In the meanwhile, we also direct the joint inspection team afore-referred, to conduct a study of the ground water in the rural as well as urban area and analyse the same and submit a report to the Tribunal.

The Committee alongwith the concerned State Government officials would suggest the measures that it proposes to take to improve the quality of the ground water which admittedly is highly polluted in urban and in rural areas.

The sludge that has been collected will be deposited at the identified sites. According to the Board the sites have been identified and have prepared and have to deposit the sludge to ensure that no hazardous waste is permitted to enter anywhere else and does not pollute the ground water at all. Appropriate steps be taken and a report be submitted to the Tribunal.

The Trust would also place before the Committee the details and basis of compliance to the clause 'J' of the directions issued in the judgment which would analysed and comments submitted to the Tribunal.

The Committee would submit a report in relation the extraction of excessive ground water and its utilisation as well. It will also examine if the industries were drawing ground water unauthorisedly and its utilisation.

List these matters for final disposal on 14th and 15th September, 2015.

.....,CP
(Swatanter Kumar)

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

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

