BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Original Application No. 804 of 2017 (Earlier O.A. No. 36/2012)

Rajiv Narayan & Anr. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER, ACTING CHAIRPERSON HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present:

Applicant

Mr. Raj Panjwani, Sr. Adv., Mr. Rahul Choudhary, Adv. and Ms. Meera Gopal, Adv.

Respondents:

Mr. B.V. Niren, CGSC with Vinayak Gupta, Adv for CGWA Mr. Raj Kumar, Adv with Mr. Bhupender Kumar, LA for CPCB

Mr. Vikas Malhotra, Adv. for Ministry of Environment, Forest and Climate Change

Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. for UPPCB Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Sandeep Mishra, Advs. for GNCTD

Mr. Rahul Verma, AAG with Mr. Jaswant Singh, Adv. for State of Uttarakhand

Date and Remarks	
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35300CFT) for further industrial and domestic uses without their being authorization to do so. It is further revealed that M/s. Rathi Still has moved an application dated 11-07-2017 for permission to abstract ground water from CGWA and the same is pending for approval. The Joint Inspection Team noted water meter readings from 3 borewells as follows:

Borewell $1=170222m^3$, Borewell $2=760153m^3$ and Borewell $3=943265m^3$.

We, therefore, issue notice to M/s. Rathi Steel why they should not be saddled with commensurate environmental compensation in respect of the water abstracted by them from the said borewells without authorization till this date.

We, further, direct the CGWA to dispose of the pending application of the M/s. Rathi Steel in accordance with law within three weeks from today.

We also find from the Joint Inspection Report that level of PM 10 in the ambient air has exceeded standards and the application for renewal of consent to operate is pending before the UPPCB.

We, therefore, direct the M/s. Rathi Steel & Power Limited to show cause as to why appropriate action including imposition of compensation for its contribution to the ambient air of PM 10 with resultant rise in parameter of PM10 in ambient air.

We direct the UPPCB to dispose of the application of M/s. Rathi Steel for renewal of CTO in accordance with law within three weeks from today.

Registry to serve notice to M/s. Rathi Steel & Power Limited by registered post/acknowledgment due and dasti as well.

Certain questions regarding generation of hazardous waste and its disposal were put to the States and we are informed by the Learned Counsel appearing for the applicant

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that they are in receipt of the answers to those questions to put to the States vide order dated 29-08-2017 from States of Uttar Pradesh, Rajasthan and Haryana.

We had disposed of this application on 25-10-2017 with the directions to the application to file an independent application in relation to management of bio-medical hazardous waste in the States of Uttar Pradesh, Rajasthan, Haryana, Uttarakhand and NCT of Delhi. Answers to our queries made on 29-08-2017 from State of Uttarakhand and NCT of Delhi would facilitate the applicant to file an independent application in relation to management of bio-medical hazardous waste as directed by us.

We, therefore, issue notice to State of Uttarakhand and NCT of Delhi to show cause why they have not given the answers to the queries made to them vide order dated 29-08-2017. Service of notice is waived on behalf of NCT of Delhi. Liberty granted to serve notice to the State of Uttarakhand through its Residents Commissioner at New Delhi by dasti.

List the matter on 5th March, 2018.

	ACF
(U.D. Salvi)	,
	,EM
(Dr. Nagin Nanda)	