

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 59 of 2014

In

Original Application No. 20 of 2014

And

M.A. NO. 46 of 2014, M.A. NO. 50 of 2014

M.A. No. 51 of 2014, M.A. No. 159 of 2014 & M.A. No. 201 of 2014

In

Original Application No. 276 of 2013

IN THE MATTER OF:

Jagat Narayan Viswakarma & Ors. Vs. Union of India & Ors.

And

Ashwani Kumar Dubey Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

Present: In Original Application No. 20 of 2014

**Applicant: Mr. M.C. Mehta and Mr. Rahul Shukla, Advs.
Respondent No. 1: Mr. Rakesh Kr. Khanna, ASG and Ms. Seema Rao, Advocate
Respondent No. 2: Mr. Rajkumar, Adv.
Respondent No. 3: Ms. Savitri Pandey, Advocate
Respondent Nos. 4&5: Mr. Daleep Kr. Dhyani, Advocate.
Respondent No. 6: Mr. Anshuman Shrivastava and Mr. C.D. Singh, Advs.**

Present: In Original Application No. 276 of 2013

**Applicant: Mr. M.Z. Choudhary, Mr. Avinash Prasad and Mr. Ashwani K. Dubey, Advs.
Respondent No. 1: Mr. Vikas Malhotra, Adv. And Mr. M.P. Sahay, Advocate.
Respondent No.2: Mr. Raj Kumar, Advocate.
Respondent Nos.3,5,8: Mr. C.D. Singh and Mr. Anshuman Shrivastava, Advocates.
Respondent No. 4: Mr. Rajul Shrivastav, Advocate
Respondent Nos. 6&9: Ms. Savitri Pandey, Adv.
Respondent Nos. 7: Mr. Daleep Kr. Dhyani, Advocate
Respondent Nos.10, 11 & 12: Mr. Bharat Sangal, Mr. Srijana Lama and Ms. I Abenla Aier, Advocates
Respondent No.13, 15,16, 21: Mr. Syed Shahid, Advs.
Respondent No.14: Mr. Pinaki Mishra, Sr. Adv., Mr. Rishi Agrawal, Advocates.
Respondent No. 17: Mr. Shashank Manish, Advs.
Respondent Nos.18 & 22: Mr. Sanjeev Kapoor, Mr. Rajat Jariwal and Ms. Anisha Somal, Advocates.
Respondent No.19&20: Mr. Pradeep Misra and Mr. Suraj Singh, Advocates
Respondent No. 21: Mr. Syed Shahid, Advs.
Respondent Nos. 23&27: Mr. Pawan Upadhyay and Mr. Mohit Khurana, Advs.
Respondent No. 25: Mr. Harsh Parashar, Advocate
Respondent No. 26: Mr. Vivek Singh, Advocate
Respondent No. 27: Mr. Shanky Malik Anand, Adv.
Respondent No. 28: Mr. Ajay K. Chopra, Advocate**

Date and Remarks	Orders of the Tribunal
<p>Item Nos. 19&20 May 13, 2014</p>	<p>We have heard the Learned Counsel appearing for the parties at some length.</p> <p>It is stated by the Learned Counsel appearing for the Central Pollution Control Board that in terms of the Report of the Board the area is seriously polluted. It is stated that the main source of water, namely, the Gobind Vallabh Pant Sagar (Rihand Reservoir) is seriously polluted with discharge of fly ash and other effluents from the industries. There are Thermal Power Plants and nearly 1000 other polluting industries. This position is really not in dispute.</p> <p>This case can be bifurcated in two different heads. Firstly-remedies, precautions and the steps that are required to be taken to prevent and control the pollution in the area caused by Thermal Power Plants and other industries.</p> <p>Secondly, which is more important, the steps to prevent pollution and ensure supply of wholesome water for drinking purposes at least to the residents of the critically polluted areas as defined by the Government/Board itself.</p> <p>As far as the former is concerned the Learned Additional Solicitor General of India has informed us that he would be consulting all the concerned Authorities including the Chief Secretary of the State of Madhya Pradesh and Uttar Pradesh and suggest the Committee(s) which would conduct the survey/s to find out the extent of pollution, contributors of pollution, and remedies and steps that are required for restoration of the Environment and the prevention of the pollution. He prays for some time in this regard.</p> <p>We grant one week time as prayed for by the Respondents to inform us as to the Members of the Committee(s) who should conduct the survey in question and even to prepare the Terms of Reference for this Committee(s).</p> <p>As far as the later is concerned, we pass the following directions on the basis of "Polluter Pays"</p>

principle and Doctrine of Prevention.

- a) The States of Uttar Pradesh and Madhya Pradesh shall ensure that pure drinking water, free from any contamination is available to all the people living in the area defined as critically polluted area forthwith.
- b) The State of Uttar Pradesh and Madhya Pradesh shall provide this water through tankers immediately and Report to the Tribunal that drinking water is made available to the residents of the area on the next date of hearing.
- c) On the basis of Doctrine of "Polluter Pays", we hereby direct the Chief Secretaries of State of Uttar Pradesh and State of Madhya Pradesh to direct all the large industries operating in that area including and particularly the thermal power plants to provide, install and commission RO (Reverse Osmosis) plants of reasonable capacity commensurate with the local demands in order to ensure supply of uncontaminated drinking water to all the affected villages which are located in the critically polluted areas.
- d) For this purpose the said State Governments shall within one week from today communicate to each of these industries their obligation to discharge their Corporate Social Responsibility and accordingly direct them to provide, install, commission such prescribed numbers of RO plants commensurate with local demand/population at the places earmarked by the Officers of the Government in each village situated in critically polluted areas.
- e) Cost of such plants shall be borne by these industries in advance and/or get such plants installed within two weeks after the intimation is given by the State Governments. In the event of default the State Pollution Control Board and the Central Pollution Control Board both or any of them may serve Notice for closure upon the

informed industries as per the above terms.

- f) These ROs shall be maintained and operated by the respective industries in collaboration with the beneficiaries i.e. the residents of the Villages. However, the operations shall be monitored by the SPCB and the SDM in-charge of the area and they shall ensure that ROs are in operation and are providing uncontaminated drinking water.
- g) We hereby restrain all industries/units Governmental Departments, private individuals or any person from dumping any waste of any kind generated either from mining, industrial or even from domestic activity on the catchment area of the Water Reservoirs particularly the Gobind Vallabh Pant Sagar and Rihand Reservoir as well as the connected rivers.

List these matters as regard to the first aspect on 21st May, 2014.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

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

.....,EM
(B.S. Sajwan)

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