

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 162 OF 2015

(M.A. NO. 664 OF 2015, 404 OF 2016 & 912 OF 2016)

IN THE MATTER OF:

Pankaj Kumar Mishra
S/o. Late Sh. R.K. Mishra
R/o. Village-Auri, Anpara,
Post-Anpara, District-Sonebhadra
U.P.-231 225



.....Appellant

Versus

1. Union of India
Ministry of Environment and Forests
Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road, New Delhi
Through its Chairman/Secretary
2. Central Pollution Control Board
Parivesh Bhawan
CBD-Cum Office Complex
East Arjun Nagar, Delhi-110032
Through its Chairman
3. State of Madhya Pradesh
Department of Environment
E-5, Arera Colony, Paryavaran Parisar
Bhopal-462016
Through its Principal Secretary (Environment)
4. Madhya Pradesh Pollution Control Board
E-5, Arera Colony, Paryavaran Parisar
Bhopal-462016
Madhya Pradesh
Through its Chairman/ Secretary
5. State of Uttar Pradesh
Room No. 601, Bapu Bhawan
Secretariat, Vidhan Sabha Marg
Lucknow-226001
Uttar Pradesh
Through its Chief Secretary

6. Uttar Pradesh Pollution Control Board
PICUP Bhawan, III Floor,
Vibhuti Khand, Gomti Nagar
Lucknow-226016
Uttar Pradesh
Through its Chairman/Secretary
7. Commissioner, Rewa Region
Rewa-Madhya Pradesh
8. District Collector Singrauli
Collectorate Compound, Waidhan-486886
District-Singrauli
Madhya Pradesh
9. Department of Irrigation
Govt. of Uttar Pradesh
Secretariat, Vidhan Sabha Marg
Lucknow-226001, U.P.
(Through its Principal Secretary)
10. Commissioner, Vindhyachal Mandal
Mirzapur, Uttar Pradesh
11. District Collector Sonebhadra
Collectorate Compound, Robertsganj
District-Sonebhadra-231216
Uttar Pradesh
12. Chairman-Cum-Managing Director
Northern Coalfields Limited
Singrauli, Post-Singrauli Colliery
District-Singrauli, M.P.-486889
13. Chief General Manager
Northern Coalfields Limited
Karki Project, Post-Kakri
District-Sonebhadra, U.P.
14. Chief General Manager
Northern Coalfields Limited
Bina Project, Post-Bina
District-Sonebhadra, U.P.
15. Chief General Manager
Northern Coalfields Limited
Krishan Shila Project, Post-Bina
District-Sonebhadra, U.P.

16. Chief General Manager
Northern Coalfields Limited
Kadia Project, Post-Khadia
District-Sonebhadra, U.P.
17. Northern Coalfields Limited
Dudhichuwa Project, Post-Khadia
District-Sonebhadra, U.P.
Chief General Manager
18. GSCO Infrastructure Pvt. Ltd.
Regd. & Head Office-SCO
67, Sector-20C, Chandigarh-160020
Through its Chairman
(Working as Contractor of Overburden
Removal in Bina Project of NCL)
19. BGR Mining & Infra Private Limited
No. 8-2-596/R, Road No. 10,
Banjara Hills, Hyderabad-500034
Telangana
Through its Chairman
(Working as Contractor of Overburden
Removal in Khadia, Dudhichua, Nigahi & Amlori Project of
NCL)
20. Montecarlo Ltd.
Corp. Office-7th Floor, Shilp Building
Nr. Municipal Market, C.G. Road,
Navarangpura, Ahmedabad-380009
Gujarat
Through its Chairman
(Working as Contractor of Overburden
Removal in Krishanshila & Khadia Project of NCL)
21. Rungta Projects Ltd.
B-27/96A-17, Lane No. 1
Gurudham, Varanasi-221010
Uttar Pradesh
Through its Chairman
(Working as Contractor of Overburden
Removal in Kakri Project of NCL)
22. Northern Coalfields Limited
Jayant Project, Post-Jayant
District-Singrauli, M.P.
Chief General Manager
23. VPR Mining Infrastructure Pvt. Ltd.
Corp. Office-H.No. 8-2-268/k/18
Plot No. 18, Navodaya Colony
Road No. 2, Banjara Hills

Hyderabad-500034
Andhra Pradesh
Through its Chairman
(Working as Contractor of Overburden
Removal in Jayant Project of NCL)

24. Northern Coalfields Limited
Nigahi Project, Post-Nigahi
District-Singrauli, M.P.
Chief General Manager
25. Northern Coalfields Limited
Amlohri Project, Post-Amlohri
District-Singrauli, M.P.
Chief General Manager
26. Rungta Projects Ltd.
B-27/96A-17, Lane No. 1
Gurudham, Varanasi-221010
Uttar Pradesh
Through its Chairman
(Working as Contractor of Overburden
Removal in Kakri Project of NCL)
27. Northern Coalfields Limited
Block-B Project, Gobri Post-Gobri
District-Singrauli, M.P.
Chief General Manager
28. Northern Coalfields Limited
Jhingurdah Project, Post-Jhingurdah
District-Singrauli, M.P.
Chief General Manager
29. Vindhya Super Thermal Power Station
P.O.-Vindhya Nagar, District-Singrauli, M.P.
Madhya Pradesh-486885
Through its General Manager
30. Rihand Super Thermal Power Station
P.O.-Rihand Nagar, District-Sonebhadra,
Uttar Pradesh-231223
Through its General Manager
31. Singrauli Super Thermal Power Station
P.O.-Shaktinagar, District-Sonebhadra,
Uttar Pradesh-231223
Through its General Manager

32. Uttar Pradesh Jal Nigam Limited
Pipari, Post Pipari District
Sonebhadra, U.P.,
Uttar Pradesh-231223
Through its General Manager

33. Essar Power Limited
27th KM, Surat
Hazira Road-394270
Gujarat
Through its CEO

ALSO AT:

M.P. Essar Power Limited
Village – Bandhaura, (Waidhan)
District – Singrauli
Madhya Pradesh-486886
Through its CEO

34. Hindalco Industries Limited
Century Bhawan
3rd Floor, Annie Besant Road
Worli, Mumbai-400025
Maharashtra
Through its CEO

ALSO AT:

Hindalco Industries Limited
Bargawan, District – Singrauli
Madhya Pradesh-486886
Through its CEO

35. Renu Sagar Power Division
Hindalco Industries Ltd.
P.O.-Renusagar-231218
District – Sonebhadra
Uttar Pradesh
Through its CEO

36. Sasan Ultra Mega Power Limited
Waidhan-486886
District – Singrauli
Madhya Pradesh-486886
Through its CEO

37. Aditya Birla Chemicals Ltd.
District – Renukoot
Uttar Pradesh-231217
Through its CEO

38. Obra Thermal Power Station
U.P. Rajya Vidyat Utpadan Nigam Ltd.
P.O.-Obra, District-Sonebhadra,
Uttar Pradesh-231219
Through its General Manager/Chief Engineer
39. Anpara Thermal Power Station
U.P. Rajya Vidyat Utpadan Nigam Ltd.
P.O.-Anpara, District-Mirzapur-231225
Uttar Pradesh
Through its General Manager/Chief Engineer
40. Hindalco Industries Limited Renukoot Plant
Renukoot Road, Renukoot-231217
Uttar Pradesh
Through its CEO/Chairman
41. Hi-Tech Carbon Renukoot Plant
Murdhawa Industrial Area
P.O. Renukoot, District Sonebhadra-231217
Uttar Pradesh
Through its CEO
42. J.P. Associates Ltd.
Dalla-Churk Cement Factory & Churk Power Plant
P.O.-Dalla, District Sonebhadra – 231207
Uttar Pradesh
Through its CEO
43. Lanco Anpara Power Limited
Gate No. 03, Anpara, P.O.-Anpara
District – Sonebhadra
Uttar Pradesh-231225
Through its CEO
44. East Central Railway
Hazipur, Bihar
Through its General Manager
45. Dhanbad Rail Division
East Central Railway
Dhanbad, Jharkhand
Through its Divisional Railway Manager
46. Rihand Bandh
Civil Division, Pipari
Post-Pipari, District-Sonebhadra
U.P.
Through its Executive Engineer

.....Respondents

COUNSEL FOR APPLICANT:

Mr. Shekhar G. Devasa & Mr. Manish Tiwari, Advocates

COUNSEL FOR RESPONDENTS:

Dr. Abhishek Atrey, Advocate for Respondent No. 1

Mr. V.K. Shukla, Mr. Vijay Laxmi, Advocates for Respondent No. 3, 7 & 8

Mr. Rajul Shrivastav & Ms. Ayushi Sharma, Advocates for Respondent No. 4

Mr. Rajkumar, Advocate with Mr. Vijay Laxmi, L.A., Advocates for CPCB

Mr. Daleep Dhayani, Advocate for Respondent No. 6

Mr. Anip Sachthey, Ms. Anjali Chauhan and Mr. Vinayak Shukla, Ms. Ria Sachthey, Advocates for Respondent No. 12-17, 22, 24, 25, 27 & 28

Mr. G. Venkateswara Rao, Advocate for Respondent No. 20

Mr. Rajat Jariwal, Advocate for Respondent No. 37

Mr. Syed Shahid H. Rizvi, Advocate for Respondent No. 34, 35 & 40

Mr. Nitin Mishra & Ms. Mitali Gupta, Advocates for Respondent No. 41

Mr. Vivek Singh, Mr. Abhishek Gupta & Mr. Vinayak Gupta, Advocates for Respondent No. 43

Mr. Pradeep Misra, Advocate for Respondent No. 32, 38 & 39

Mr. Pawan Upadhyay, Ms. Sharmila Upadhyay and Mr. Akash Tyagi, Advocates for Respondent No. 42

JUDGEMENT

PRESENT:

Hon'ble Mr. Justice Swatanter Kumar (Chairperson)

Hon'ble Mr. Justice Raghuvendra S. Rathore (Judicial Member)

Hon'ble Mr. Bikram Singh Sajwan (Expert Member)

Reserved on: 27th October, 2016

Pronounced on: 24th November, 2016

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

JUSTICE SWATANTER KUMAR, (CHAIRPERSON)

The applicant a resident of village Auri in district Sonbhadra has approached the Tribunal under Section 18 (1) read with Section 14 of the National Tribunal Act, 2010 (for short the 'Act of 2010') not only for himself but even on behalf of other residents of that area praying for protection of the environment, life, health and property of the people living in that area. The applicant states that

the Singrauli Industrial Area which also falls in part of Sonebhadra District of Uttar Pradesh and Singrauli District in the State of Madhya Pradesh, is causing serious environmental pollution and is exposing the residents of that area to health hazards. Large number of persons are suffering from various serious diseases due to the pollution created by the respondent industries. Various respondents have their industrial undertakings in Sonebhadra, Uttar Pradesh and some others have in Singrauli, Madhya Pradesh and both these districts are adjacent to each other. These industries are thermal power plants and coal mines etc. The Singrauli Industrial Cluster has been assessed to be a critically polluted industrial area in the country and stands at No. 9 of the highly polluted areas per Comprehensive Environmental Pollution Index. The Thermal Power Plant situated in that area uses 83 million tonnes of coal per annum and produces 13200 million watts of thermal power and is responsible for 16% and/or 10 tonnes per annum of mercury pollution through power generation. Besides this there are chemical and even other highly polluting industries located in that area. The discharge of emissions and effluents by these industries is continuously destroying the environment in that area and has been spreading beyond these districts. The discharge of mercury by these industries is a serious threat to the lives of the people of that area. As per the Black Smith Institute Report and United Nations Environment Programme report, the mercury levels in the blood and hair of tested Singrauli residents is higher than normal. These high levels of mercury can cause permanent damage

to the nervous system, brain, kidneys and developing fetus. Another serious cause of pollution is fly ash. The exposure to fly ash affects health adversely and causes permanent respiratory disorders, aggravation of ailments like asthma, bronchitis and even lung cancer. Various respondent industries and plants are in violation of the rules and regulations in respect of discharge of mercury, use of fly ash and have been disposing the fly ash into the Rihand Reservoir, on public road in the residential areas and even in the forest area. Wherever there are ash ponds they are not maintained in accordance with rules. The collection of ash in these places flies into the residential area and causes serious health hazards. Ash from the pond is carried by trucks and is thrown in low-lying areas.

The applicant also relies upon the orders passed by this Tribunal including order dated 13th May, 2014 in O.A. No. 276 of 2013 titled *Ashwani Kumar Dubey v. Union of India & Ors.*, where a restraining order was passed. Industries were restrained from dumping any waste of any kind generated either from mining or even from domestic activity in the catchment area of the water reservoir, particularly, the Gobind Ballabh Pant Sagar known as Rihand Reservoir. Despite the restraining order these industries have not been abiding and following the directions. The transportation of coal and ash through the respondent's trucks which are always overloaded continuously throw the ash and coal on the road resulting in the inhabitants of the area suffering from the use of these roads, due to falling of these materials. The coal

yard adjacent to the Singrauli railway station is a source of continuous pollution. Some of the respondents have large number of coal mines in Singrauli and Sonebhadra. They have even engaged contractors who take contracts for removal of overburden from mines to dumping yards. This activity is being carried on contrary to law and in a manner that is seriously prejudicial to human health. The environment has been adversely affected in that area. There are hardly any RO plants installed by these industries and government, to provide potable water to the people/residents of the area. These RO plants are installed on pick and choose basis and the large community of the villagers is not able to have even adequate water for their daily consumption/use. The Tribunal had even passed order in that behalf but they have been disobeyed. Some of the respondent industries have their own townships within their premises where they provide drinking water to the residents of their townships. They do not provide water to the people living outside and the raw water is being taken from Rihand Reservoir. According to the applicant, this has been happening for years and he had made various representations including the representations dated 5th, 18th, 20th December, 2014 and 4th April, 2015 but to no avail. According to the applicant, his fundamental rights and those of the other people of that area in terms of Article 21 of the Constitution are being violated. Relying upon different judgments of the Supreme Court, the applicant further contends that the pollution of the environment in that area has to be stopped and various steps should be taken in accordance

with the provisions of the Environmental Protection Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and Water Act.

With reference to these facts, the applicant has prayed for the following reliefs:

“It is therefore, most respectfully prayed that this Hon’ble Tribunal may graciously be pleased:

- A. Direct the respondents to repair and construct the public roads which are being used and upgrade the roads and footpaths which are being used by the respondent industries and contractors for transportation of their coal and fly ash and other materials and further to remove the ash and coal dust/particles from the roads by daily basis/regularly using of sweeping machines on the roads and nearby residential areas of Singrauli Region.
- B. Direct the respondents to install air pollution control system and Ambient Air Quality Monitoring Stations in highly polluted roads and residential areas to minimize the air pollution.
- C. Direct the respondents to install ROs’ (Reverse Osmosis) in all the affected areas where drinking water is required as per the requirement mentioned in villages/Areas as given in Para-27 of the application of Singrauli, Madhya Pradesh and also as per Villages/Areas mentioned in para 28 Annexure A/12 in the Sonebhadra, U.P.
- D. Direct the Respondent No. 44, 45 and 46 to shift the coal yard from Singrauli Railway Station to some other location.
- E. Direct the respondent no. 12-28 to stop overloadings of trippers used in transporting of coal and overburden removal, proper arrangement of sprinkling of water, proper settlement of overburden, shift rehabilitation village Chilka Tand of NTPC-Singrauli and NCL Khadia project to safe place.
- F. Direct the respondent no. 6, 10, 11 and 35 to shift the ash-silo from its existing site to some other place so that the public may not be affected.
- G. Direct the respondent no. 6, 10, 11 and 35 to close the existing ash pond at Tola-Bichadi, Village-Auri and prepare it for vegetation/plantation.
- H. Direct the respondent no. 6, 10, 11 and 35 not to transport their ash by trippers and direct them to transport it only through bulkers.
- I. Direct the respondent industries to install ROs’ in their own township for providing drinking water to the inhabitants.

J. Direct the respondents to plant Neem and Pipal trees in a large scale in the Singrauli region so that pollution can be naturally minimized and fresh oxygen be available.

K. Direct the respondent no. 10, 11, 32 and 46 to provide complete list of Industries which are dumping their industrial waste, over burden, fly ash, sewage in the land and catchment area of Rihand Reservoir and connected rivers/Nalas.

L. Restrain the respondents not to dispose/dump the Fly Ash in Rihand Reservoir, Rihand River, Kachan River, Balia Nala, Kachan Dam, Chilka Lake Shaktinagar, Modwani Lake, Chatka Nala.

M. Issue such directions as deem fit and proper by this Hon'ble Tribunal for restitution of the environment of the area in issue.

N. Direct prosecution of all concerned who have been found to be in breach of the applicable enactments as specified in Schedule-I of the National Green Tribunal Act, 2010.

K. Pass such other or further order/s as this Hon'ble Court may deem just and proper in the interest of justice”

2. Different replies have been filed on behalf of the various respondents. State of Madhya Pradesh, Madhya Pradesh Pollution Control Board (for short 'MPPCB, State of Uttar Pradesh, Uttar Pradesh Pollution Control Board (for short UPPCB), other official respondents and some of the private respondents filed their separate replies to the application. All these respondents have primarily denied that they are causing any pollution which is threatening human life. It has been stated that the subject matter of the present application is squarely covered by the pending matters in O.A. No. 276 of 2013, *Ashwani Kumar Dubey v. Union of India & Ors.*, (supra) and O.A. No. 20 of 2014, *Jagat Narain Vishwakarma v. Union of India*. It is stated that the Tribunal is dealing with various aspects of the alleged pollution in these

petitions. The private respondents have also taken up the plea that they have already obtained the Environmental Clearance/Statutory Permissions, including consent to operate from the concerned authorities and as such they are not violating any law. They are using small quantities of fly ash for manufacturing of brick paper blocks and other civil works. They are not dumping the same in the Rihand Reservoir. All the private respondents have primarily taken up the plea of denial and/or in alternative have stated that they are not causing any pollution from their activities and there is no contamination of water. Wherever it is so, they have provided for R.O. Systems so as to enable the local people to receive potable water. Some of the official respondents have also filed their respective replies separately, including the UPPCB, the MPPCB, the State of Madhya Pradesh and the Central Pollution Control Board (for short 'CPCB'). All these respondents have placed heavy reliance upon the judgments in the cases of *Ashwini Kumar Dubey* (supra) and *Jagat Narain Vishwakarma* (supra) and have stated that this case should be heard along with those cases. The Committee appointed by the Tribunal is examining all the aspects and would be submitting a report to the Tribunal. 55 RO plants have been commissioned and are functional in Sonebhadra area. However, out of them 28 plants are at the stage of commissioning. It is stated that the Tribunal has already directed the concerned State Governments to install RO plants in the affected areas and to provide water to the inhabitants of that area. According to the Executive Engineer (Health), there is no contamination of water in

Singrauli area. The Municipal Corporation, Singrauli is functioning properly. The CPCB has already notified the Singrauli area as a critically polluted area which includes some part of Singrauli, Madhya Pradesh and some parts of Sonebhadra, Uttar Pradesh. The fly ash that is generated from power plants operating in the area is disposed of either by utilizing the same in cement manufacturing, brick manufacturing, ash pond construction or disposal into ash dikes. The power plants in the area have constructed fly ash dikes and also constructed pond for disposal of fly ash in the ash slurry form. The MPPCB has primarily relied upon the orders of the Tribunal appointed Committee and that Committee has already made the survey and submitted the interim report. According to this respondent, the fly ash generated from the power plants is disposed of either by sending it for utilization in cement plants etc. or into ash ponds or ash dikes. The ash is disposed of into ash pond in the form of ash slurry and decanted water is re-circulated to the plant for reuse. The NTPC and some other concerns have constructed AWRS for ash water recirculation.

3. The CPCB in its response has stated that the averments made in paragraph 4 of the application are true and correct. Based on the comprehensive environmental pollution index, Singrauli was not only declared as a critically polluted area but also moratorium was imposed in the year 2010 on consideration of projects for environmental clearance. Later on moratorium was lifted based on the improvement in CEPI in the year 2011, but recently after re-assessing, the environmental status and CEPI, the moratorium has

again been imposed on 17th September, 2013. Industries like thermal power plants, aluminium, carbon black and cement plant have created acute pollution and degraded the environment. The CPCB while explaining the steps taken by it, has stated as follows:-

- “1. Identified Singrauli as critically polluted area.
2. Industry specific action plans were got prepared and implementation of these plans is continuously reviewed.
3. Directions under different Acts have been issued against the defaulting units.
4. Stone crushing was stopped till the installation of control equipment.
5. Moratorium has be re imposed on consideration of developmental activities in the area based on Comprehensive Environmental Pollution Index (CEPI) of the area.
6. Ambient Air Quality and water quality are being monitored regularly through SPCBs.
7. Stringent emission limit (50 mg/Nm³) w.r.t particulate matter emission is being prescribed against the National limit of 150 mg/NM³.
8. Power plants have been directed to stop the discharge of ash pond over flow by providing ash water recirculation system. NTPC, Anpara C plants have provided the same and others have submitted action plan for the same.”

4. The studies have indicated high levels of mercury in human blood, hair and nails besides its presence in drinking water. This is attributed to the use of mercury by the industries, particularly M/s. Kannoria Chemicals, which was using the earlier old caustic soda manufacturing technology and storing brine sludge. Now, this industry has phased out the use of mercury by adopting membrane cell technology. The other source of mercury is burning of large quantity of coal in the area since the 80s. Presently, about 1.5 lakh tonnes of coal is used everyday which will be increased to about 2 lakh tonnes in the near future after commissioning of new power project proposed in the area. The State of Uttar Pradesh has

submitted that the total area of Singrauli District in Madhya Pradesh is 567.2 square kilometres. With regard to the non-release of the industrial waste polluted water and fly ash from the electricity project plants in the Rihand Reservoir, sign boards have been installed at several places and from time to time, inspection is carried out to ensure compliance. The Rihand Reservoir is controlled and managed by the Uttar Pradesh Jal Vidyut Nigam and the Irrigation Department has no right to interfere in the functioning of the Nigam and the departmental expenditure.

5. The official respondents as well as the private respondents have inter alia raised serious objection with regard to the maintainability of the present application on the ground of limitation and misjoinder of cause of actions. These objections were vehemently argued by the learned counsel appearing for the respondent during the course of the hearing.

In light of the above facts and the preliminary objections raised on behalf of the respondents as to the maintainability of the present application, it is not necessary for us to dwell upon the controversy on merits at any greater length. Suffice it to note that the issues raised in the present application are substantial issues of environment as contemplated under Section 14 of the Act of 2010. Be that as it may, still the application has to be filed within the prescribed period of limitation. The severity of the pollution is a matter of great concern and is already sub-judice before the

Tribunal in the case of *Ashwini Kumar Dubey (supra) and Jagat Narain Vishwakarma (supra)*.

6. Straightaway reverting to the discussion on the plea of limitation, we have to necessarily hold that the present application is not maintainable on the grounds of limitation. According to the own case of the applicant, this pollution has been going on for years together. The applicant had made various representations during 18th December, 2014 to 4th April, 2015. The applicant under the paragraph relating to limitation has only stated that there is continuous pollution and non-compliance of the orders and hence the application is within time. These averments, seen in light of the facts stated in the application, it cannot be stated to have been filed within prescribed period of limitation. The present application has been filed within the ambit and scope of Section 14 of the Act of 2010. The prescribed period of limitation for which is six months from the date on which the cause of action first arose. However, for sufficient cause, the Tribunal can entertain an application beyond that period but not exceeding 60 days. In other words, six months plus 60 days, is the outer period of limitation during which the application can be entertained by the Tribunal. Besides this, in the representation, annexured as A-14, the applicant has stated that the pollution caused by the industries in that area and suffering of the population of that area was going on for years. According to him, the drinking water was not available for all this period and there was no strict compliance of the orders of the Tribunal dated 13th May, 2014 in various regards and the area was a critically

polluted. The present application is not accompanied by any application for condonation of delay. The Application has apparently been filed beyond the period of limitation as the list of names of villages was relating to 2011 since when the said violations were being committed by the industries. In view of the judgments of the Tribunal in the cases of *Ashwini Kumar Dubey* (supra) and *Jagat Narain Vishwakarma* (supra), since there is a delay of years and in any case, there is no application filed for condonation of delay, despite the respondents having taken a specific objection of limitation, we are of the considered view that the present application is barred by limitation.

7. Another ground on which the present application cannot be entertained in the manner in which it has been framed and filed, is for the reason that the present application is hit by the requirements of Rule 14 of the National Green Tribunal (Practice and Procedure) Rules, 2011. Rule 14 requires that an application shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another. We have already re-produced above, the multiple and independent reliefs that have been claimed by the applicant in the present application. All these reliefs relate to different respondents for different activities resulting in allegedly different and distinct pollution. Furthermore, the cause of action in relation to upgrading of roads, footpaths has nothing in common with the prayer for proper collection, transportation and disposal of fly ash. Both these causes of action have nothing as consequential to the causing of

pollution by the industries through their processes. They are independent and distinct causes of action. Further, it prays for issuance of various directions for different respondents in relation to shifting of coal yards, shift of ash-silo from its present site to some other place, closure of ash ponds, transportation through bulkers and for a direction to plant trees. Evidently, the application is bad for multiple causes of action and misjoinder of cause of action. Since it is not permissible under Rule 14, we cannot entertain this application even on that ground.

8. Before we dismiss this application on the above two grounds, we must notice that it is a very serious matter relating to prevention, control of pollution, restoration of environment and ecology and for taking punitive action against the defaulting respondents in an area which admittedly has been declared as a critically polluted area. People of that area are not getting even water to drink and the Tribunal had to accordingly pass appropriate directions in the case of *Ashwini Kumar Dubey (supra) and Jagat Narain Vishwakarma (supra)*.

9. The applicant has brought important and significant information and the violations on the part of the industries in causing more and more pollution of the environment and water of the area and also adding to the misery of the inhabitants around that area, who are seriously suffering in terms of public health. The main grievance of the applicant is that the respondents have violated the orders of the Tribunal passed in OA 20/2014, thus, the

appropriate remedy for him would be to invoke the jurisdiction of the Tribunal in that matter itself. Even on that ground, we would prefer to grant leave to the applicant to take appropriate steps in accordance with law in OA No. 20/2014, if he so desires. As is evident, we have not deliberated upon the merits of the case at all. Therefore, while declining to entertain this application on the grounds afore-indicated, we grant liberty to the applicant to get impleaded as a co-applicant or even a supporting respondent in OA no. 20 of 2014, if the applicant so desires. The application stands disposed of accordingly and there shall be no orders as to costs, in the facts and circumstances of the case.

Swatanter Kumar
Chairperson

Raghuvendra S. Rathore
Judicial Member

Bikram Singh Sajwan
Expert Member

New Delhi
November 24, 2016

NGT