

**BEFORE THE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE) BENCH, PUNE  
APPLICATION No. 37/2013**

**In Misc. Application No.70/2014 &  
Misc. Application No.71/2014**

**CORAM:**

**Hon'ble Mr. Justice V.R. Kingaonkar  
(Judicial Member)**

**Hon'ble Dr. Ajay.A.Deshpande  
(Expert Member)**

**B E T W E E N:**

1. Public Trust,  
Twin Towers Lane Prabhadevi,  
Mumbai 400 025
  
2. Dayanand Stalin,  
Aged 48 yrs.,  
Director of Vanashakti having its  
Office at 19/21, Unique Industrial Estate,  
Twin Towers Lane, Prabhadevi,  
Mumbai 400 025

**....Appellants**

**A N D**

1. Secretary,  
Ministry of Environment and Forest,  
Prayavaran Bhavan, Lodhi Road,  
New Delhi

2. Maharashtra Pollution Control Board,
3. Central Pollution Control Board.
4. Environment Secretary,  
Govt. of Maharashtra, having office  
At second floor, Mantralaya,  
Mumbai 400 032.
5. Municipal Commissioner,  
Kalyan Dombivali Municipal Corporation,  
Having his office at SHankarrao Chwork,  
Kalyan (W),  
District : Thane,
6. Municipal Commissioner,  
Ulhasnagar Municipal Corporation,  
Having his office at UMC HQ.  
Ulhasnagar 421 003.
7. President,  
Ambarnath Municipal Council,  
Having office at Gandhi chowk,  
Ambarnath
8. Maharashtra Industrial Development  
Corporation, having its office at  
Mahakali Caves road,  
Andheri East,  
Mumbai 400 003.

.....**Respondents**

---

**Date : April 1<sup>st</sup>, 2014**

---

**P.B.**

## **COMMON ORDER.**

- 1.** Misc. Application No.70/2014 is filed by S.S.I. (Small Scale Industrialists) seeking grant of re-start industries which have been allegedly closed down by the M.P.C.B.
- 2.** Misc. Application No.71/2014 is filed by M.S.I. (Medium Size Industrialists) for re-start of the industry which is closed down as per order of the M.P.C.B. Common contention in both the Applications is that the Applicants do not discharged polluting effluents in river "Waldhuri" or river "Ulhas" and as such, their activities should not have been stopped by the M.P.C.B. They submit that their applications for allowing them to re-start the industries are not process by the M.P.C.B. nor they have been given hearing and due to consent.
- 3.** We have heard learned Counsel for the parties.
- 4.** We cannot give approval nor can we express any opinion on merits about the nature of the effluents discharged by the present industries who have filed Misc. Applications. We may further clarify that it would be unfair to grant time of 2/3 weeks to the original Applicants for filing of their reply in as much as even those units which do not discharge any effluent of polluting nature may be adversely affected due to the closure orders, for want of lifting such orders. Hence, in modification of the earlier order dated 13-03-2014, we clarify that instead that "approval of the National Green Tribunal", the M.P.C.B. may process the applications of the industries, and if the parameters are satisfied then with the approval of the Committee appointed by Environment Department under

Government Communication dated 6-12-2013 as per para 3(b),  
restart orders may be issued on adhoc basis subject to any  
further orders.

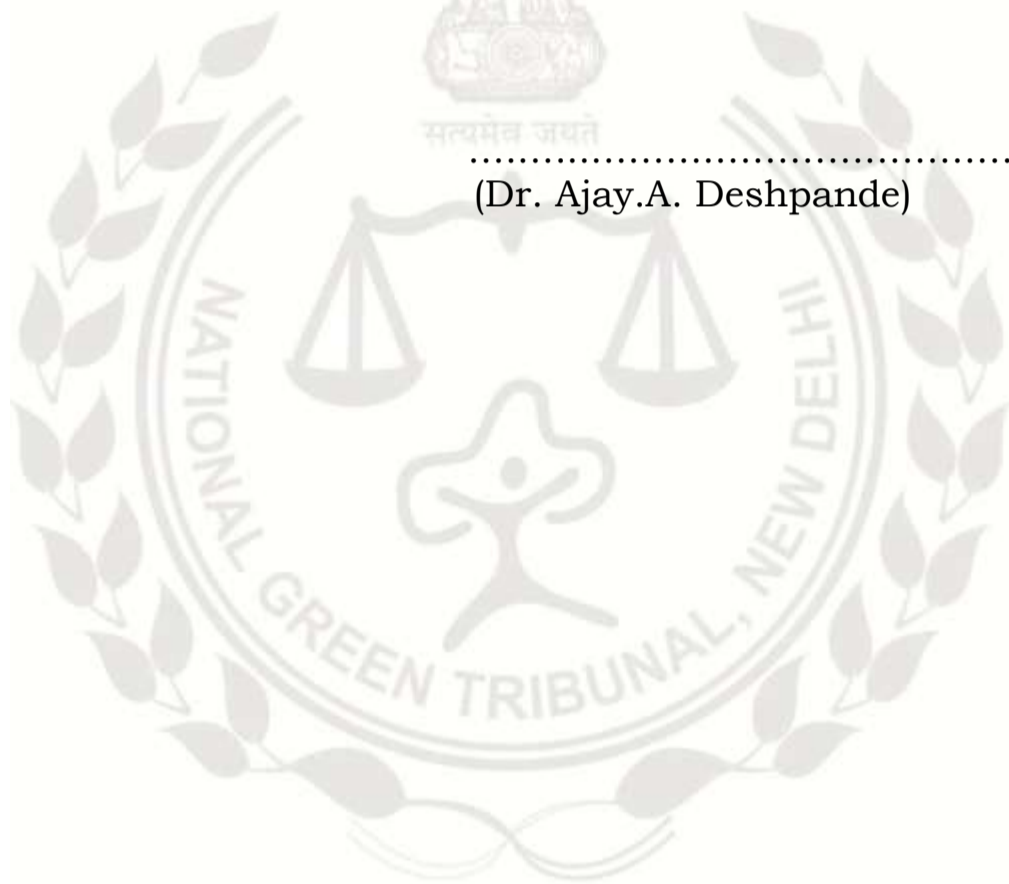
**5.** Application disposed of in above terms. No costs.



....., JM  
(Justice V. R. Kingaonkar)

सत्यमेव जयते

....., EM  
(Dr. Ajay.A. Deshpande)



**NGT**