

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

**Original Application No. 123/2015
(M.A. No. 354/2015 & M.A. NO. 418/2016)**

Jai Hind Vs. Central Pollution Control Board & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE R. S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant	: Mr. Gaurav Kumar Bansal, Adv.
Respondent Nos. 2&5	: Ms. Savitri Pandey, Adv.
Respondent Nos. 3&4	: Mr. Pradeep Misra and Mr. Daleep Kr. Dhayani, Adv.
Respondent Nos. 3	:Mr. Ashok Kumar Sharma
Respondent Nos. 7	:Shama Firoz
Minhans Pottery	:Mr. Siddhesh Kotwal, Ms. Shreya Bhatnagar

	Date and Remarks	Orders of the Tribunal
	Item No. 06 May 05, 2016	<p>Heard. Perused.</p> <p>The applicant is seeking the following reliefs:</p> <p><i>a. Direct the Respondents to stop the operation of the Ceramic Industries situated in Khurja, District Bulandshehar, U.P.</i></p> <p><i>b. Direct the Respondent No. 2 to place on record all the relevant materials and documents relating to the steps taking by them in connection to regulate the air pollution in Khurja, District Bulandshehar, U.P.</i></p> <p><i>c. Direct initiation of penal action against the defaulting Ceramic Industries/units operating in Khurja, District Bulandshehar, U.P.</i></p> <p>The applicant in his application has pointed out that 29 Ceramic Industries in Khurja, District Bulandshehar, U.P. are running without the valid consent from the UPPCB. He further submits that 8 more Ceramic Industries have been likewise named in the application as the industries which are running without valid consent and have applied for the consent.</p>

According to him, running of Ceramic Industries without having any valid consent to establish or consent to operate from the Competent Authority are deemed to have been running in violation of the provisions of Environment Protection Act and Air (Prevention and Control of Pollution) Act,1981. This proposition is indisputable and calls for judicial intervention.

In reply dated 06.07.2015, UPPCB reveals that there are about 408 Ceramic Industries situated in Khurja, District Bulandshehar, U.P. and out of said 408 industries, only 173 are working. It is further revealed that only 107 have been granted consent to operate whereas 52 have not obtained the consent from the UPPCB and hence their closure has been recommended. It is further revealed that 14 industries are closed due to their own problems and are not operating at present. In addition to the reply dated 30.04.2016, UPPCB reveals further facts as to the actions taken by the UPPCB against the industries and the monitoring being carried out by the UPPCB at 95 industries. It further reveals that 51 industries to whom show-cause notices has been issued earlier the closure orders have been issued by the UPPCB.

Learned Counsel appearing on behalf of the UPPCB submits that Board will not allow any Ceramic Industry in Khurja, District Bulandshehar, U.P. to run without consent or to run in violation of the standards prescribed by law.

With these submissions and facts revealed before us, we do not see any reason, particularly in view of the

Principle of Sustainable Development to direct the Respondent Authorities to stop the operations of the Ceramic Industries situated in Khurja, District Bulandshehar, U.P. en mass. We, however direct Respondent No. 3 – UPPCB to take all measures to stop the operations of the Ceramic Industries situated in Khurja, District Bulandshehar, U.P. which are being run without valid consent or in violation of the provisions of law. We further direct the UPPCB to initiate prosecutions against the Ceramic Industries, who fail to comply with or contravene the provisions of the Environment Protection Act, 1986 or the Rules made or orders or directions issued there under, for appropriate punitive action under Section 15 of the Environment Protection Act, 1986. Respondent No. 3 – UPPCB makes a statement that they will supply the analysis Reports of the samples collected during the monitoring of 07 Ceramic Industries referred to in the reply dated 30.04.2016 as sample monitoring for fluoride and chloride to the applicant as and when such Analysis Reports are available.

With the above directions, Original Application No. 123/2015 stands disposed of accordingly.

M.A. No. 354/2015 & M.A. No. 418/2016 also stand disposed off as the Original Application does not survive

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

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Ranjan Chatterjee)

